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December, 1968

### MEMORANDUM

From: Ira Glasser

Re: Proposed policies on Student Rights in High Schools

There are three major areas of student rights which are presently either undefined or, where they are defined, unenforced. In these areas, there is literally no law: conflicts between the rights of students and the legitimate requirements of school discipline are typically resolved through the application of past custom, which for the most part has never recognized the notion that students may have rights. Consequently, such conflicts are frequently resolved by school officials in an arbitrary, repressive and inconsistent manner.

For the past several years, efforts of students and their parents to gain even that small measure of recognition of student rights sufficient to produce constructive policies have proved almost totally unsuccessful. The school system has in effect proved to be substantially unresponsive to the very idea of student rights. Complaints frequently go unanswered; abuses are denied; and rules which form the basis for punitive action are often impossible to obtain in writing.

Forced to operate in a fog of vagueness and arbitrary discretion, students and their parents have grown increasingly frustrated during the past year. Many students who during the last school year peacefully sought to reasonably exercise their rights within the confines of necessary school discipline have now begun to play the game of confrontation politics. By its unwillingness to respond to reasonable requests, many school systems have



# THE CONSTITUTION

THE CONSTITUTION OF THE UNITED STATES OF AMERICA

Article I  
Section 1  
All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

Section 2  
The House of Representatives shall be composed of Members chosen every second Year by the People of the several States, and the Electors in each State shall have the Qualifications requisite for Electors of the most numerous Branch of the State Legislature.

Section 3  
The Senate of the United States shall be composed of two Senators from each State, chosen by the Legislature thereof, for a Term of six Years; and they shall hold their Offices until their Successors be chosen.



helped to transform a movement for constructive reform into what may soon become a movement of nihilistic obstruction. Efforts to contain demands for reasonable policies on student rights can only increase the probability of explosion.

Although some of the issues dealt with in this memorandum have been litigated in the courts, the courts may not be the best arena in which to resolve the conflict between student rights and school discipline. It would be far preferable to devise standards within the school system itself.

This memorandum addresses itself to the substance of such standards. Detailed memoranda in support of these suggested standards can be developed, and testimony can be prepared. In the meantime, the following standards represent a basic outline of suggested policy.

The three broad areas of conflict are:

- 1) Dress codes and personal appearance;
- 2) First Amendment rights -- speech, press, assembly;
- 3) Procedural rights.

The remainder of this memorandum suggests standards in each area.

#### I. Dress Codes and Personal Appearance

The law in New York State on the right of public school officials to regulate the dress and personal appearance of students seems clearly and specifically defined by two opinions of New York State Commissioner of Education James E. Allen, Jr. in the cases of Dalrymple v. Board of Education of the City of Saratoga Springs (No. 7594) and McQuade v. Board of Education of Central School District No. 5 of the Town of Colonie, Albany County (No. 7683).

In those opinions, Commissioner Allen clearly limits the right of public school officials to regulate dress and personal appearance. Public school officials "[do] not have the power to compel students, at the peril of expulsion from school, to wear a uniform or particular kind of clothing." (Dalrymple) And although school officials do have the power and obligation to make reasonable rules, such rules are subject to the limitations set forth by the Commissioner. Thus school officials clearly have:

...the right to prohibit the wearing of







such items as metal cleats on the shoes which might damage the floors, a type of clothing in physical education classes which unduly restricts the student from participating therein, long-haired angora sweaters in cooking classes where open flame gas ranges were used, any kind of apparel which indecently exposes the person, or, in sum, to prohibit the wearing of any kind of clothing which causes a disturbance in the classroom, endangers the student wearing the same, or other students, or is so distracting as to interfere with the learning and teaching process. (Dalrymple)

Thus, the standards applied by the Commissioner seem to imply that school officials have no right to regulate the dress or personal appearance of students unless such appearance is either dangerous or substantially distracting.

Nor is Commissioner Allen's opinion in Dalrymple limited to the specific facts in that case. By his broad language, by his invocation of constitutional principles and by his subsequent opinion in McQuade, a case with significantly different factual content, Commissioner Allen clearly has constructed specific limits on the right of public school officials to regulate student dress.

Finally, it must be noted that before school officials can take action against a student for personal appearance which is allegedly either dangerous or "so distracting as to interfere with the learning and teaching process" a conclusive factual showing must be made. In reinstating Joseph McQuade, Jr., Commissioner Allen reiterated the standard set forth in Dalrymple, and then went on to say that:

In this case, there is presented in the answering papers [of the Board of Education] no conclusive evidence of such effect from the wearing of the shoes complained of, the record merely indicating that the teachers did not like the style of the shoes worn by appellant's son. Hence, there is no legal basis to support the action of the school officials in refusing to permit this student to attend regular classes. (Emphasis added) (McQuade)



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Despite these decisions, many high school principals have continued to discipline students -- frequently preventing them from attending classes -- for "improper dress", even when the facts are almost precisely the same as those in the above cited cases. During the school year 1967-68, literally hundreds of girls were disciplined for wearing slacks, and many more students were punished for other dress which clearly fell within the circle of permissible appearance according to the Dalrymple standard. Furthermore, despite the Commissioner's ruling that "conclusive evidence" is required to support a claim by school officials that a certain mode of dress is either dangerous or substantially distracting, many principals considered an assertion of danger or distraction as sufficient evidence in the absence of any factual showing at all, and frequently in the face of a contrary factual showing.

Finally, an attempt to inform New York City school principals of the Commissioner's ruling proved completely ineffective. Both the Dalrymple and McQuade opinions were sent to every high school principal in New York City by the NYCLU during the 1967-68 school year, and follow-up calls made, all to no avail. Now, as the new school year begins, the same problem is erupting again. I attach a recent letter from the principal of Washington Irving High School in New York City to a parent of a girl prevented from attending classes while wearing slacks as merely one example of a continuing problem. I am also attaching the two opinions by Commissioner Allen.

In the light of these opinions, and the failure to follow them in many high schools, we suggest that Boards of Education issue and enforce the following directive:

Public school officials have the right to make reasonable rules regarding the dress and personal appearance of students. Such rules, however, must be limited to the regulation of dress which is either dangerous or so distracting as to interfere with the learning or teaching process. Furthermore, any disciplinary action taken against students for allegedly improper dress must be preceded by a conclusive factual showing of either danger or substantial distraction. The wearing of slacks, jeans, turtlenecks or long hair does not by itself constitute appearance that is either dangerous or distracting. On the other hand, metal cleats on shoes or long-haired angora sweaters in cooking classes where there are open



During this time, however, many high school students have continued to participate in the program. This is an encouraging sign. The fact that many students are still participating in the program is a very good sign. It shows that the program is still relevant and useful to students. The fact that many students are still participating in the program is a very good sign. It shows that the program is still relevant and useful to students. The fact that many students are still participating in the program is a very good sign. It shows that the program is still relevant and useful to students.

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flames are clear examples of clothing that may be dangerous and therefore subject to reasonable regulation. In all cases, dress codes in particular schools should be arrived at by school officials in consultation with parents and students, should be within the limits of this directive, and should be made available in written form to students and parents.

## II. First Amendment Rights

### A. Free Speech

The most passive form of free speech in the schools usually involves the wearing of buttons, especially political buttons, or other symbolic expressions such as the wearing of black armbands as protest against an act of government. School officials rarely move against students wearing buttons which are generally acceptable, such as campaign buttons for major party candidates. But disciplinarily action has been taken in the past against students wearing more controversial buttons. A leading case in this area is Burnside v. Byars, 363 Fed 2d 744 (1966), in Mississippi and which was decided by the U.S. Court of Appeals for the 5th Circuit. In that case, students suspended for wearing buttons saying "Freedom Now" were reinstated. The significance of this case is the willingness of the Court to consider whether the wearing of the buttons in school in fact created significant disruption of the educational process. In this particular case, the Court found that since no significant disruption in fact occurred, there was no legal basis for suspending the students. In another case in the same circuit, the same Court of Appeals ruled against a group of students after finding that obstruction of the educational process did in fact occur as a direct result of the exercise of first amendment rights.

Thus the Court constructed a factual standard which in effect requires school officials to provide conclusive evidence of interference with the educational function of the school in order to prevent political expression by students. A contrary opinion has been handed down by the highest state court in Iowa in a case involving high school students suspended for wearing black armbands. That case has already been argued on appeal before the U.S. Supreme Court, and is awaiting decision. The opinion of the Court in its first major decision involving the First Amendment rights of students will no doubt create certain guidelines. But the key appears to be the willingness to make







a factual finding as to whether or not the exercise of First Amendment rights did interfere or obstruct the teaching or learning process. In the absence of such a factual determination one way or the other, we are simply granting public school officials a blank check to arbitrarily suppress political speech, a right no other civilian public official has.

Other more active forms of political expression involve the desires of students to distribute political leaflets and other material, such as outside newspapers, in the school. In our opinion, the distribution of political literature should be subject to the same type of standards which govern the right of any citizen to distribute political literature in a public place, such as a sidewalk or shopping center or bus terminal. The First Amendment guarantees the right to distribute political literature in public places as long as the manner of distribution does not substantially block, obstruct or interfere with anyone else's right to go about his business. Thus, leafletting on sidewalks is generally protected as long as those distributing leaflets do not substantially obstruct pedestrian traffic or block entrances to buildings. (Hague v. C.I.O., 307 U.S. 496 (1939)). Identical standards permit the right to distribute political literature in shopping centers (Food Employees Local 590 v. Logan Valley Plaza, Inc., USPa, 88 Sct 1601, (1968)), bus terminals (Wolin v. Port of Authority, CA 392 F2nd 83, Cert denied Nov. 12, 1968, 37 US Law Week 3177), and from tables erected on a public sidewalk (People v. Katz, US CAPa, 332 F2d 422 (1967)).

Similar standards ought to govern the right of students to distribute political literature in the schools as long as those distributing the literature do not do so in a way that interferes with or disrupts the learning or teaching process. Thus, it could never be permissible for students to burst into a classroom or interrupt an assembly program in order to distribute literature, but it ought to be permissible for students to have a student bulletin board; to set up a table in the school cafeteria in order to distribute material; to leaflet or picket in an orderly way outside the school, and even on school grounds, before and after school is in session, as long as sidewalks, entrances, exits, steps, etc. are open and passable.

In general, the test ought to be whether or not orderly classroom instruction is obstructed or disrupted. If not, the free exercise of First Amendment rights ought to be permitted to high school students. Quite aside from the civil liberty involved, the educational impact of such policy would be deeply effective. Bright students increasingly are jarred by what they







learn in social studies about James Madison and the Bill of Rights and what they are confronted with in school. Students learn at least as much about freedom and values that underlie the Bill of Rights from the way the schools are organized and from the way their rights are treated, as they do from what they learn in formal instruction. School officials ought not to be afraid of the reasonable exercise of free speech. Reasonable and specific rules can be made and ought to be made, and the sooner the better.

We suggest the following directive:

The wearing of political buttons, armbands or other badges of symbolic expression is a permissible activity for high school students. Similarly, the distribution of political leaflets, newspapers and other literature by students in and outside of the school is permissible and protected by the First Amendment, unless the manner of distribution interferes, obstructs or disrupts orderly classroom instruction or otherwise interferes, obstructs, or disrupts the learning or teaching process. School officials, in consultation with parents and students, should develop specific methods to permit such distribution without disrupting the educational function of the school. Distribution of political literature, or picketing outside the school, even on school grounds, before or after school is in session is permissible as long as exits, entrances, walks and steps are open to passage. Within the schools, bulletin boards, tables set up in the cafeteria or other similar methods should allow the right to distribute literature without disrupting classes. Such standards should be published and available to students and parents.

B. Conscientious Objection to Flag Salutes, the Pledge of Allegiance, etc.

We suggest the following standard:

All flag salutes, pledges of allegiance and other ceremonies of political loyalty are optional, for both students and teachers.

We do not think that the governing case in this area (Barnette v. West Virginia Board of Education, 319 U.S. 624 (1948)), allows for any other standard. Nor does Barnette exempt only religious objectors, as many school officials believe. I attach a recent decision by New York City Board of







Education Trial Examiner Bethuel M. Webster, in the case of a teacher suspended for refusing the lead his class in the Pledge of Allegiance, as a summary argument for such a standard. Other school systems in the United States have made participation by students in patriotic exercises optional, and in any case, there seems to be no good reason for distinguishing between teachers and students. Certainly, students can learn at least as much, and possibly more, for the example of dissent as from participation in patriotic ceremonies. We have received considerable numbers of complaints in this area, and it would be extremely useful for Boards of Education to settle the matter with a directive. Details of what the objector should do while the ceremony is going on can be worked out once the basic principle is accepted.

### III. Procedural Rights

The basic work which needs to be done by the Board of Education in this area involves procedures for due process in disciplinary hearings for students. Amidst all the current controversy over due process for teachers, it is startling to note that there is almost no due process for students, and that as a result, grave injustices and gross abuses of fairness take place. To a great extent, whatever procedures do exist serve mainly to legitimize whatever decision has been taken below. A school system which does not treat its students fairly cannot expect to teach or instill respect for due process. The standards of due process that ought to apply to students need to be very carefully worked out and defined. It is a job not to be undertaken in a hastily prepared memorandum. We therefore propose that a special commission of prominent educators, lawyers (especially lawyers expert in juvenile law), parents and students be convened to devise appropriate standards for due process for students. The general elements of due process include the right to counsel, the right to know the charges against you, the right to call witnesses, the right to a transcript, the right to effective appeal, etc. Careful consideration needs to be given to all these elements and the extent to which each ought to apply to students facing disciplinary proceedings. Right now, as a matter of Board policy, students are not entitled to any of these elements of due process. Perhaps the most basic right is the right to counsel, a right from which many of the others flow. In New York City, as a matter of policy, the right to counsel in suspension hearings is not required and a recent case (Madera v. New York City Board of Education, CANY, 386 F2d 778 (1968)) first struck down Board policy in the District Court and then upheld it in the U.S. Court of Appeals for the Second Circuit.







But grave damage is done to students unprotected by counsel, and despite previous protestations by the Board of Education, such hearings are advocacy proceedings in which the deck is stacked against students. Perhaps the courts are not the best places in which to argue the policy question. We urge Boards of Education to appoint a Commission to study, re-examine and recommend standards of due process for students.

Finally, we suggest the appointment of a three-man "ombudsman" panel, consisting of an educator, a lawyer, and a parent, to hear, investigate and recommend solutions for the individual complaints of students involving the exercise of their rights in the three areas treated in this memorandum. It would be a measure of the responsiveness of Boards of Education to the reasonable demands of its students to establish such a panel to deal with student complaints.

We believe that swift adoption of the basic standards, directives and guidelines suggested in this memorandum would improve the atmosphere for both education and freedom in the schools of our state.







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March 10, 1969

Dear School Official:

On behalf of the National Capital Area Civil Liberties Union (NCACLU), I write you as well as other key officials of your school system and those of other Washington area school systems about the pressing problem of guaranteeing the First Amendment rights of our public school students.

As you know, on February 24 the Supreme Court handed down a landmark opinion on this issue (Tinker vs. Des Moines Independent Community School District). Starting from the principle that, "in the absence of a specific showing of constitutionally valid reasons to regulate their speech, students are entitled to freedom of expression of their views," the Court held that school authorities were only entitled to limit this freedom where its exercise would "materially and substantially interfere with the requirements of appropriate discipline in the operation of the school." Moreover, the Court pointed out that students' rights are to be protected before and after, as well as during classroom hours at school.

In the Tinker case, the Des Moines school authorities had tried to forbid students to wear black armbands protesting the Viet Nam War. In the school systems of the Washington metropolitan area, we have had similar incidents involving buttons, "underground" newspapers, bulletin board notices, and other attempted expressions of student opinion. Most frequently misguided restrictions imposed by school authorities have been aimed at unpopular viewpoints. But, as the Supreme Court noted, "a mere desire to avoid the discomfort and unpleasantness that always accompany an unpopular viewpoint" is not a ground for denying students their fundamental rights.





School Officials  
March 10, 1969  
Page 2

What the Supreme Court said two weeks ago, a major school system had the foresight and wisdom to act upon last September. The enclosed Statement of Policy of the School District of Philadelphia, Pa., anticipates and embodies the basic principles of the Tinker case.

NCACLU does not contend that the Philadelphia standards are ideal. Specifically, we believe a more positive note might have been struck in favor of even fuller opportunities for student expression of views. However, the Philadelphia rules are a good starting point. They are a clear, concise summary of the minimum rights of expression that school authorities can and must guarantee students without in any way compromising school discipline or the rights of some students in favor of others.

We urge you, as we are urging other Washington area school authorities, to place this matter on your school board's agenda at the earliest opportunity and propose adoption of rules which, at the least, contain the guarantees and parallel the democratic spirit of the Philadelphia rules as well as the Tinker decision. We would be glad to appear at a hearing or assist in any way we can to underscore our concern.

We further stress that it is not enough merely to vote for a basic principle in a board room. The principle and its practical meaning for school life must be impressed on every supervisor, principal, and teacher in the school system.

Beyond this, it must be known and understood by the entire community -- adult and student alike. It is at the level of individual schools and classrooms that most abridgements of student First Amendments rights have occurred. They have occurred because of the lack of firm policies forbidding such actions and demanding respect for the rights of students as well as for the free exchange of views which is the core of all true learning and growth.

Therefore, we urge that your school system not only adopt standards protecting the First Amendment rights of students, but that they be distributed to every





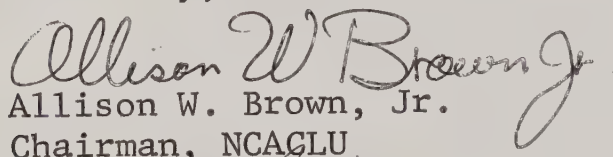
School Officials  
March 10, 1969  
Page 3

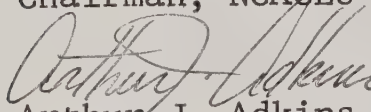
school system employee and be given the widest possible publicity throughout the community.

We strongly believe that delay or half measures will invite disaster from every viewpoint -- educational and practical, as well as legal and moral. If students cannot speak out, they are more likely to "act out" or "cop out." Their just resentment at being arbitrarily muzzled understandably results in alienation, disrespect, and retaliation. And then all around will lie the ruins of our principles and our hopes for a better society.

We are anxious to assist in any way we can the speedy adoption and publicizing of rules such as those enclosed. Please call upon us if we can be of help in this vital task.

Sincerely,

  
Allison W. Brown, Jr.  
Chairman, NCACLU

  
Arthur J. Adkins  
Chairman, NCACLU Academic Freedom Committee

Enclosure





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March 11, 1969

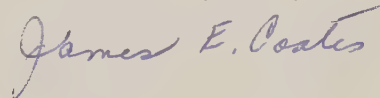
Mr. Allison W. Brown, Jr., Chairman  
National Capital Area Civil Liberties Union  
1424 - 16th Street, N. W., Suite 501  
Washington, D. C. 20036

Dear Mr. Brown:

Thank you for your letter of March 10 concerning the First Amendment rights of public school students, and the enclosed policy respecting students rights issued by the Philadelphia Public Schools.

I am forwarding copies of your letter and the enclosure to the members of the Board of Education.

Sincerely yours,



James E. Coates  
President  
Board of Education

JEC:cls

cc: Members, Board of Education





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MAR 10 1969

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School Officials  
March 10, 1969  
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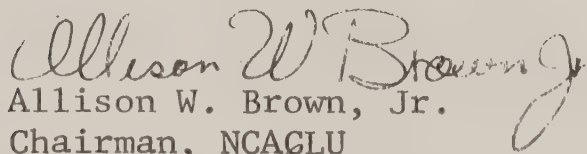
School Officials  
March 10, 1969  
Page 3

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Chairman, NCAGLU

  
Arthur J. Adkins  
Chairman, NCACLU Academic Freedom Committee

Enclosure



September 30, 1968

To: Members of the Board of Education  
From: Mark R. Shedd, Superintendent of Schools  
Re: Policy Respecting the Right of Students to Circulate Petitions  
and Handbills, to Use Bulletin Boards and to Wear Insignia.

The primary liberties in a student's life have to do with the process of inquiry and learning, of acquiring and imparting knowledge, and of exchanging ideas. This process requires that students have the right to express opinions, to take stands, and to support causes, publicly or privately. There should be no interference in the school with these liberties, or with the student's access to or expression of controversial points of view, except as provided below.

1) Bulletin Boards - School authorities may restrict the use of certain bulletin boards to school announcements. Ample bulletin board space shall be provided for the use of students and student organizations, including a reasonable area for notices relating to out-of-school activities or matters of general interest to students. There shall be no prior censorship or requirement of approval of the contents or wording of notices or other communications, but the following general limitations on posting may be applied:

a) School authorities shall prohibit material which is obscene according to current legal definitions; which is libelous; or which inflames or incites students so as to create a clear and present danger of the commission of unlawful acts on or of physical disruption to the orderly operation of the school.

b) Identification shall be required on any posted notice of the student or student group issuing same.

c) The school shall require that notices or other communications be officially dated before posting and that such material be removed after a prescribed reasonable time to assure full access to the bulletin boards.

2) Distribution of Printed Material and Circulation of Petitions - Students shall be free to distribute handbills, leaflets and other printed material and to collect signatures on petitions concerning either school or out-of-school issues, whether such materials are produced within or outside the school.

There shall be no prior censorship or requirement of approval of the contents or wording of such material, but the following general limitations may be applied:

a) The time of such activity shall be limited to periods before school begins, after dismissal and during lunch time, if such limitation is necessary to prevent interference with the school program.

b) The place of such activity shall be reasonably restricted to permit the normal flow of traffic within the school and at exterior doors.

c) The manner of conducting such activity shall be restricted to prevent undue levels of noise, or to prevent the use of coercion in obtaining signatures on petitions. The danger of littering is not a sufficient ground for limiting the right of students to distribute printed material.

d) The school shall require that all printed matter and petitions distributed or circulated on school property bear the name of the sponsoring organization or individual.

e) The school shall prohibit the distribution of material within the restricted categories of paragraph 1, a) above.

In the case of petitions presented by students to the school authorities,





students shall have the right to have their petitions considered and to receive an authoritative reply thereto.

3) Buttons and Badges - The wearing of buttons, badges, or arm-bands bearing slogans or sayings shall be permitted as another form of expression, unless the message thereof falls within the restricted categories of paragraph 1,a) above. No teacher or administrator shall attempt to interfere with this practice on the ground that the message may be unpopular with students or faculty.

In imposing limitations on student expression for any reason under any of the foregoing provisions, the school must ensure that its rules are applied on a nondiscriminatory basis and in a manner designed to assure maximum freedom of expression to the students. The school shall particularly avoid any action placing restraints on ideas prior to their expression. Any student or student group deprived of freedom of expression under any of these provision shall have the right to request a hearing to determine whether such deprivation is justified under these rules. Such a hearing must be held as soon as possible after request before an impartial body, including representatives of the faculty and student body. The hearing shall provide for a full and fair opportunity for both sides to present evidence and argument as to the propriety of the application of the regulation in question. At the conduct of such hearings, the school shall have the burden of justifying its action.

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The above was adopted by the Board of Education of the School District of Philadelphia, September 30, 1968 by the following resolution:

Resolved, That the Board of Education adopt the policy entitled "The Right of Students to Circulate Petitions and Handbills, to Use Bulletin Boards and to Wear Insignia," and be it

Further resolved, That this policy shall be distributed by the Superintendent of Schools to all principals and district superintendents for the purpose of guiding them in these matters.





Return to Julius W. Hobson

Julius W. Hobson  
5/10/69

P R E S S   R E L E A S E

Individual teachers and administrators for too long have been allowed to use suspension as an "authority hammer" to arbitrarily intimidate students. Suspension is a technique used by poor teachers. When no personal basis for mutual respect exists between student and teacher, the authoritarian teacher tends to brutalize students using suspension to exercise control.

Brutalizing students in any fashion must stop in the District of Columbia. Teachers function to educate children, children do not function to provide a comfortable job for teachers. By our vote at the last meeting, the Board of Education indicated its intent to establish a ZERO REJECT SYSTEM, a system which will maintain order but can also accommodate to the special needs of each student.

Any taxi driver or shopping housewife on the streets of Washington must wonder at the enormous number of school-age youngsters on the streets and in the parks every working day. Too frequently parents don't even know their child has been suspended or that his name appears twice a week on the long list of unconfirmed absentees recorded by each school .....no one stops to question and ask, no one helps. This careless and destructive system of suspensions and expulsions, of not enforcing attendance, of ignoring daily cuts, constitutes an increasing boycott of the District schools -- a serious reflection on the teachers and administration and a fatal educational pattern for students.



The schools do not enforce any single system of discipline. The Board of Education will call upon the administration to recodify and clarify system-wide rules of conduct and put such rules in modern terms and simple language. Safeguarding our children's constitutional rights are essential to safeguarding our own.

The following brief outline is proposed as immediate criteria/procedures for suspension:

1. Before suspension, a hearing must be held within one school week, to allow the student an opportunity to state his case. At this hearing the following people must be present: the principal, the suspended student, the parents or guardian of the student, the teacher responsible for recommending suspension and a disinterested party. Wherever possible, the "disinterested party" should be that Ward's School Board Member. The principal will decide on the length, terms and validity of the suspension. A record must be kept of each case and submitted, upon request, to the Board of Education for review.
2. If the student's parents or guardian can't or won't appear for the hearing, the student is free to select his own representative.





3. At the end of the suspension period, it is the school administration's responsibility to contact parents and assist the student to return to school.

We all realize that some students, because of a variety of circumstances in their lives, often beyond their control, have special adjustment problems expressed in destructive behavior patterns. Suspension is not the answer -- for society or for the individual. We must design new answers such as:

- o Assign students to special classes for temporary periods
- o Assign students to remedial tutorial help
- o Provide special individual attention -- health, counseling, clothing, etc.
- o Provide special school with specially trained and gifted teachers
- o Provide work-training programs with flexible schedules.

If teachers cannot measure up to the requirements and challenges of working in the District schools, I can only encourage them to look for jobs elsewhere. In this school district the needs of the children come first.





WILLIAM H. SIMONS, *President*  
1917 Randolph Street, N.E.  
526-4869

33

## THE WASHINGTON TEACHERS' UNION

1126 16th STREET, N. W.

WASHINGTON, D. C. 20036

November 21, 1968



Mr. Julius Hobson  
300 "M" Street SW  
Washington, D. C. 20024

Dear Mr. Hobson:

Last night you raised a question with respect to the rights of students. You indicated that at least the teachers have the Union, whereas, the students have no similar kind of organization.

I trust that your remark did not carry with it the suggestion that the Union seeks to represent teachers at the expense of student interests. In reality, most of the demands we are now pursuing at the bargaining table shall benefit both students and teachers. You might also be interested in knowing that we have presented to the Board's team a demand entitled, Teacher - Student Relationships. You will find our demand enclosed. The Board's team has indicated that we cannot negotiate this kind of article.

Mr. Simons would also like to know if it might be possible for us to have a meeting in the near future. Please let us know when you might be free to meet with us.

Sincerely,

A handwritten signature in blue ink that reads 'Charles W. Cheng'. The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Charles W. Cheng,  
Assistant to the President

CWC:nlw  
enc  
opeiu#2aflcio



## STUDENT - TEACHER RELATIONSHIPS

Inasmuch as educational institutions are the training grounds for a democratic society and democratic leadership, it is imperative that a relationship be established between student and educator clearly defining individual rights. The following shall be considered basic rights: -

A. Students have the sole power to establish a student government of their choosing.

B. Student government has the sole right to establish the amount of fees charged to each student for student activities.

C. It shall be the students sole discretion as to matters of attendance or involvement in any activity requiring a fee.

D. Student government has the power to establish by mutual agreement with the faculty and the administration a means of sharing in academic decisions of the school. Such power should be extended, but not limited to: -

1. Any disciplinary action taken against a student, excluding grades for academic performance
2. Any matter dealing with curriculum decisions
3. Any change in school procedure, directly affecting students
4. Any other matter directly concerned with the teaching and learning activity of the school

E. No student government, faculty, or administrative person shall make a rule or regulation abridging the freedom of speech, press, assembly, dress, or hair style, etc. Nothing in this clause is to be interpreted as precluding shop instructors from requiring the proper dress for safety purposes; or military instructors from requiring the proper uniforms.

1. Neither teacher nor school shall be held legally responsible or liable for any students speech or publication.
2. No rule or regulation of any school shall apply to a students outside activities.
3. Students shall be allowed to organize and join any school organization or association, provided they meet the qualifications for said organization. Such qualifications shall be established by students, except in the case of nationally recognized organizations. In any event, no qualification which is not relevant shall be imposed for membership in any organization or association.
4. Such organizations and associations should be allowed to use school facilities when such does not interfere with instructional activities.





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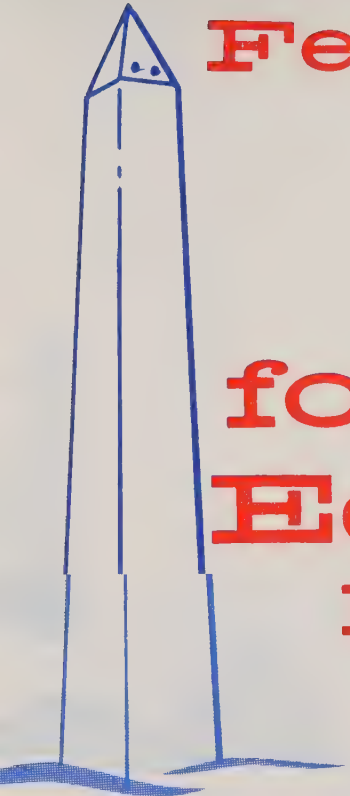
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**Federal Funds**

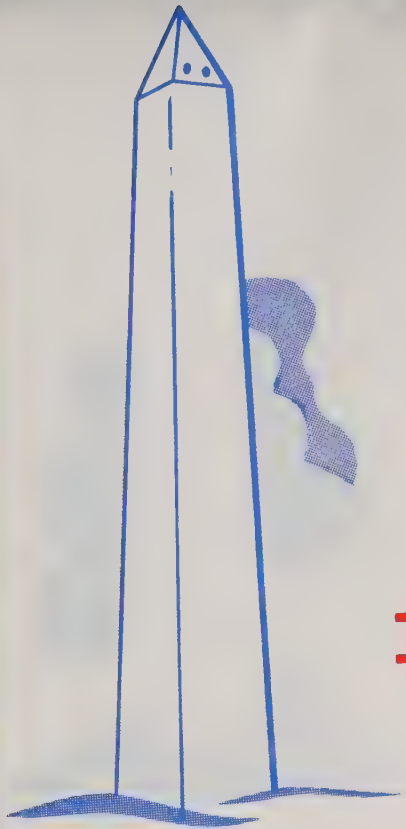
**for**



**Education In The  
District of Columbia**

**1971**





A GUIDE TO  
OFFICE OF EDUCATION  
ADMINISTERED PROGRAMS

**District of Columbia**  
**1971**





## TYPE OF ASSISTANCE

## AUTHORIZATION

## PURPOSE

## WHO MAY APPLY

Public schools

School Aid to Federally  
Impacted and Major  
Disaster Areas  
(P.L. 815)

Aid school districts in providing  
minimum school facilities in  
federally impacted and  
disaster areas

Local school districts

Vocational schools

Vocational Education  
Amendments of 1968

Construct or improve area  
vocational education school  
facilities

Public secondary and post-  
secondary schools providing  
education in five or more fields

**For Construction**



## TYPE OF ASSISTANCE

## AUTHORIZATION

## PURPOSE

## WHO MAY APPLY

Physical education and recreation for the handicapped

P.L. 90-170 (Mental Retardation Amendments of 1967)

To do research in areas of physical education and recreation for handicapped children

State or local education agencies, public or nonprofit private educational or research agencies and organizations

Vocational research

Vocational Education Act of 1963-section 4-C

Support research, training, and pilot programs for special vocational needs

State and local education agencies, colleges, and universities, nonprofit organizations

Handicapped research and demonstration

Mental Retardation Facilities Act and Others (P.L. 85-296, as amended)

Promote research and demonstration on education of the handicapped

State education agencies, local school districts, nonprofit private organizations, public groups

**For Research**





TYPE OF ASSISTANCE	AUTHORIZATION	PURPOSE	WHO MAY APPLY
Educational career opportunities	Education Professions Development Act-part D	Train persons from low-income backgrounds to career ladder-work-study positions in poverty area schools	Prospective teachers and teacher aides from low-income backgrounds
Vocational-technical education personnel	Education Professions Development Act-part F	Develop leadership in vocational education and improve training opportunities for vocational education personnel	Prospective and experienced vocational-technical education personnel
Meeting critical shortages of classroom personnel	Education Professions Development Act-part B-2	Attract and train persons otherwise engaged to meet immediate critical shortages of teachers and teacher aides	Prospective teachers and teacher aides currently not engaged in education
Training teacher trainers	Education Professions Development Act-parts C and D	Improve quality of teacher education and merge preservice and inservice training	Teacher trainers and teachers associated with participating institutions of higher education or local school districts
Teacher training complex	Education Professions Development Act - parts C and D	Develop new agency for teacher training in metropolitan areas	Teacher trainers and teachers associated with participating institutions of higher education or local school districts
Pupil personnel services	Education Professions Development Act-parts C and D	Improve preservice and inservice training for pupil personnel specialists, increase supply of such specialists	Prospective and/or experienced pupil personnel specialists
Media specialists	Education Professions Development Act-parts C and D	Train media specialists for local schools	Prospective and/or experienced school media specialists
Special education	Education Professions Development Act-parts C and D	Train educational personnel to meet needs of handicapped children in regular classrooms	Educational personnel involved in education of handicapped children in regular classrooms
Educational administration	Education Professions Development Act-parts C and D	Train prospective and experienced school administrators	Prospective and experienced school administrators
Urban/rural school development	Education Professions Development Act-parts C and D	Retrain experienced teachers in urban and rural poverty area schools	Experienced teachers in urban and rural poverty area school districts
Early childhood education	Education Professions Development Act-parts C and D	Train and retrain educational personnel who work with children ages 3-9	Teachers, teacher trainers, supervisors, and specialists in early childhood education
Drug abuse education	Education Professions Development Act-part D	Train educational personnel in drug abuse education	Educational personnel
Teacher Corps	Education Professions Development Act-part B-1	Train experienced teachers as team leaders, college and university undergraduates and graduates as interns for service in poverty area schools	Experienced teachers as team leaders, college and university undergraduates and graduates as interns
School personnel utilization	Education Professions Development Act-part D	Develop more effective means of utilizing school staff, time, instructional materials	Educational personnel in participating local school districts
Desegregation training grants	Civil Rights Act of 1964	Improve ability of school personnel to deal with desegregation problems	Teachers and other personnel of public schools
Teacher development for desegregating schools	Education Professions Development Act-parts C and D	Retrain experienced teachers for service in desegregating schools	Experienced teachers in desegregating schools
Personnel training to educate handicapped children	Mental Retardation Facilities Act and Others (P.L. 85-926, as amended)	Prepare and inform teachers and others who educate handicapped children	State education agencies, colleges, universities, and other appropriate nonprofit agencies
Adult basic education teacher training grants	Adult Education Act of 1966	Improve qualifications of teachers of adult basic education courses	Teachers and teacher trainers of adult basic education courses
Teacher exchange	Mutual Educational and Cultural Exchange Act	Promote international understanding by exchange of teachers between U.S. and foreign nations	Elementary and secondary teachers, college instructors, and assistant professors
Overseas opportunities for language training and area studies in non-Western areas	Mutual Educational and Cultural Exchange Act, and P.L. 83-480 (in excess foreign currency countries)	Promote development of international studies through grants to institutions for support of group or individual (graduate and faculty) projects	Colleges, universities, consortiums, local and State education agencies, nonprofit education organizations
Media services and captioned films training grants	Media Services and Captioned Films (P.L. 85-905)	Improve quality of instruction available to deaf persons	Persons who will use captioned film equipment





TYPE OF ASSISTANCE	AUTHORIZATION	PURPOSE	WHO MAY APPLY
School maintenance and operation	School Aid to Federally Impacted and Major Disaster Areas (P.L. 874)	Aid school districts on which Federal activities or major disasters have placed a financial burden	Local school districts
Strengthening instruction in critical subjects in public schools	National Defense Education Act-title III	Strengthen instruction in 10 critically important subjects	Local school districts
Strengthening instruction in non-public schools	National Defense Education Act-title III	Loans to private schools to improve instruction in critical subjects	Nonprofit private elementary and secondary schools
School library resources and instructional materials	Elementary and Secondary Ed. Act-title II	Support provision of school library resources, textbooks, and other instructional materials	Local education agencies
Supplementary centers	Elementary and Secondary Ed. Act-title III	Support supplementary educational centers and services	Local education agencies
Vocational programs	Vocational Education Amendments of 1968	Maintain, extend, and improve vocational education programs; develop programs in new occupations	Public schools
Occupational training and re-training	Manpower Development and Training Act of 1962, as amended	Provide training programs to equip persons for work in needed employment fields	Local school authorities (public, private nonprofit)
Desegregation assistance	Civil Rights Act of 1964	Aid school boards in hiring advisors, training employees, and providing technical assistance on school desegregation	School boards and other agencies responsible for public school operation
Guidance, counseling, and testing in public schools	National Defense Education Act-title V-A	Assist in establishing and maintaining guidance, counseling, and testing programs	Public elementary and secondary schools, junior colleges, technical institutes
Testing in non-public schools	National Defense Education Act-title V-A	Provide for aptitude-achievement testing of private school students	Testing agencies
Educational career opportunities	Education Professions Development Act-part D	Train persons from low-income backgrounds to career ladder-work-study positions in poverty area schools	Local school districts with concentration of pupils from low-income backgrounds
Vocational-technical education personnel	Education Professions Development Act-part F	Develop leadership in vocational education and improve training opportunities for vocational education personnel	Institutions of higher education, State boards of vocational education
Meeting critical shortages of classroom personnel	Education Professions Development Act-part B-2	Attract and train persons otherwise engaged to meet immediate critical shortages of teachers and teacher aides	State education agencies
Bilingual education	Elementary and Secondary Ed. Act-title VII	Develop and operate programs for children aged 3-18 who have limited English-speaking ability	Local education agencies or institutions of higher education applying jointly with local education agencies
Dropout prevention	Elementary and Secondary Ed. Act-title VIII	Develop and demonstrate educational practices to reduce the number of children not completing school	Local school districts in low-income areas and with high percentages of dropouts
Programs for the handicapped	Elementary and Secondary Ed. Act-title VI	Strengthen educational and related services for handicapped children	State education agencies
Follow Through	Economic Opportunity Act of 1964	Extend gains of deprived children who participate in Head Start or similar preschool experiences	Application by invitation only in FY 1970
Programs for disadvantaged children	Elementary and Secondary Ed. Act-title I	To meet educational needs of deprived children	State education agencies

**For Programs, Instruction, Administration-To Institutions**





TYPE OF ASSISTANCE	AUTHORIZATION	PURPOSE	WHO MAY APPLY
Pupil personnel services	Education Professions Development Act—parts C and D	Improve preservice and in-service training for pupil personnel specialists, increase supply of such specialists	Institutions of higher education, State and local education agencies
Media specialists	Education Professions Development Act—parts C and D	Train media specialists for local schools	Institutions of higher education, State and local education agencies
Special education	Education Professions Development Act—parts C and D	Train educational personnel to meet needs of handicapped children in regular classrooms	Institutions of higher education, State and local education agencies
Educational administration	Education Professions Development Act—parts C and D	Train prospective and experienced school administrators	Institutions of higher education, State and local education agencies
Urban/rural school development	Education Professions Development Act—parts C and D	Retrain experienced teachers in urban and rural poverty area schools	Local school districts with concentrations of pupils from low-income backgrounds
Early childhood education	Education Professions Development Act—parts C and D	Train and retrain educational personnel who work with children ages 3-9	Institutions of higher education, State and local education agencies
Drug abuse education	Education Professions Development Act—part D	Train educational personnel in drug abuse education	Institutions of higher education, State and local education agencies
Teacher Corps	Education Professions Development Act—part B-1	Train experienced teachers as team leaders, college and university undergraduates and graduates as interns for service in poverty area schools	State and local education agencies
Researcher training	Cooperative Research Act (amended by ESEA—title IV)	Develop and strengthen programs for training educational researchers	State education agencies, institutions, and organizations
Information and recruitment grants	Elementary and Secondary Ed. Act—title VI (amended by P.L. 90-247)	Improve recruiting of personnel and dissemination of information on educational opportunities for handicapped	Public or nonprofit agencies, organizations, private agencies
School personnel utilization	Education Professions Development Act—part D	Develop more effective means of utilizing school staff, time, instructional materials	State and local education agencies
State institutional library services	Library Services and Construction Act—title IV-A	Establish and improve institutional library services	State library administrative agencies
Library services to physically handicapped	Library Services and Construction Act—title IV-B	Establish and improve library services to physically handicapped	State library administrative agencies
Programs for children in public institutions for the neglected and delinquent	Elementary and Secondary Ed. Act—title I (amended by P.L. 89-750)	Improve the education of delinquent and neglected children in institutions	State parent agencies, local school districts
Media services and captioned film loan program	Media Services and Captioned Films (P.L. 85-905)	Provide cultural and educational services to the handicapped through films and other media	Groups of handicapped persons, nonhandicapped groups for training purposes
Deaf-blind centers	Education for the Handicapped—title VI-C	To develop centers for children and parents	State education agencies, universities, medical centers, public or nonprofit agencies
Programs for the handicapped in State supported	Elementary and Secondary Ed. Act—title I (P.L. 89-313, amended)	Programs for children in State operated or supported schools for the handicapped	State education agencies
Preschool programs for handicapped children	Handicapped Children's Early Education Assistance Act	Develop model preschool and early education programs for handicapped children	Public agencies and private nonprofit agencies
Regional resource centers to improve education of handicapped children	Education for the Handicapped Act—title VI-B	Develop centers for educational remediation of handicapped children	Institutions of higher education, State and local education agencies, or combinations within particular regions
Civil defense education	Federal Civil Defense Act of 1950	Provide public information on civil defense procedures	Chief State school officers or State agencies
Adult basic education	Adult Education Act of 1966	Provide literacy programs for adults	State education agencies
State administration of ESEA title I programs	Elementary and Secondary Ed. Act—title I (amended by P.L. 89-750)	To strengthen administration of ESEA title I	State education agencies
Strengthening State education agencies	Elementary and Secondary Ed. Act—title V	Improve leadership resources of State education agencies	State education agencies and combinations thereof
Planning and evaluation	Elementary and Secondary Amendments of 1967—title IV	Improve State planning and evaluation of Federal programs	State education agencies
State administration	National Defense Education Act—title III	Strengthen administration in State education agencies	State education agencies

**For Programs, Instruction, Administration-To Institutions**



# STAFF-FEDERAL PROGRAMS OFFICE

**Harris M. Taylor** Acting Director  
**Grace H. Davis** Acting Assistant Director

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NORVAL PERKINS  
JAMES SHANNON

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## STAFF FOR PLANNING

FREDERICA McBRIDE

## SUPERVISOR OF IMPACT AID PROGRAM

MAE SPELLMAN

## STAFF COORDINATOR

DOMENIC CALABRO

---

**Hugh J. Scott,** Superintendent of Schools

WHERE TO APPLY

DEPARTMENT OF FEDERAL PROGRAMS  
PUBLIC SCHOOLS OF THE DISTRICT OF COLUMBIA  
1411 K STREET, N.W. WASHINGTON, D.C. 20005  
ROOM 1400 737-1845





# KALORAMA CITIZENS ASSOCIATION

WASHINGTON, D. C.

OFFICE OF EXECUTIVE SECRETARY

MAY 14 1969

BOARD OF EDUCATION, D.C.

Please reply to:

William K. Scheirer, President  
Kalorama Citizens Association  
2328 - 19th Street, N.W.  
Washington, D. C. 20009

May 13, 1969

The Rev. James E. Coates  
President  
D. C. Board of Education  
Presidential Building  
415 - 12th Street, N.W.  
Washington, D. C. 20004

Dear Reverend Coates:

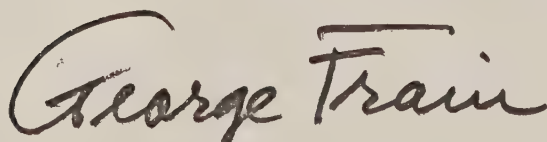
The members of the Kalorama Citizens Association, as citizens and taxpayers in the District of Columbia, are naturally concerned with the education of our children and the children of other citizens in our great city.

Following adoption of a resolution at our regularly scheduled meeting on Saturday, May 10 on the subject we are writing to request that you hear all sides of the issue of discipline in the D. C. Public Schools. Only one side was heard at the meeting in the Abraham Lincoln Junior High School on Wednesday night, May 7th. It is a most unusual, and, indeed, a highly irregular procedure to hear only one side and then to adopt the controversial motion which was adopted at the May 7th meeting.

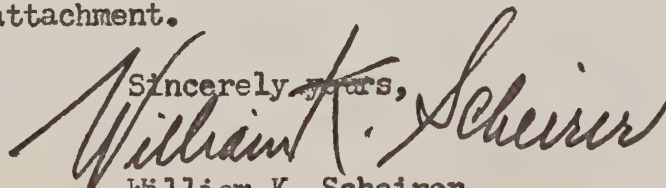
We request that hearings be convened immediately to hear the other side of the issue, and that hearings be held throughout the city. Further, we request that those who believe in and support discipline be heard, the parents, the students, the teachers, the taxpayers who pay for the schools, the police.

At the present time the children may think they are having a "picnic" and are on a "lark", but the hard, harsh realities of getting a job, qualifying for a job, holding a job, and raising their own children to be and enjoy all their God-given potential is the one overriding issue confronting them--and the community who cares what becomes of them and which is willing to pay the crushing taxes attendant to this public duty.

Please bring this letter to the attention of every member of the D. C. Board of Education, together with this attachment.



George Frain, Delegate to the  
Federation of Citizens Associations  
of D. C., and a Member of its  
Education Committee which is chaired  
by Dr. Ellis Haworth



Sincerely yours,  
William K. Scheirer  
President  
Kalorama Citizens Association



# District's Schools Calm Once Again

By Herbert H. Denton

Washington Post Staff Writer

Washington schools were relatively calm yesterday after a week marked by a flurry of student disruptions and teacher walkouts.

The two-day ban last week on suspensions of unruly pupils had been the cause of the teachers' protest. The ban was lifted Saturday by the School Board and new policies on discipline were adopted.

No decision had been reached late yesterday on what action, if any, would be taken against about 100 teachers at Hart, Eliot and Shaw Junior High Schools who walked out of classes last week, according to Benjamin Henley, vice superintendent of schools.

## Action Under Study

Henley said administrators were studying personnel policies and the provisions of their contract with the Washington Teachers Union.

At Hart Junior High, 601 Mississippi ave. se., school was back to normal yesterday. A half-dozen teachers had walked out of classes Friday after about 25 eighth-graders tossed milk and gelatin around the cafeteria, cut auditorium curtains and discharged fire extinguishers in the halls.

The teachers who remained at the school after the principal shut it down, complained angrily that their hands were tied by the ban on suspensions. They also strongly objected to a relaxation of school dress policies.

More than the new policies, what seemed to most raise the ire of teachers was what one later described as the continual "pointing of the finger at the teacher" for all problems of youngsters.

## 'Authority Hammer'

Board member Julius Hobson charged in a press release handed out at the Saturday meeting that suspensions were used as an "authority hammer" by teachers to "brutalize students."

In the teachers' lounge at Eliot Junior High, 18th and Constitution Avenue, ne., a young male teacher expressed disbelief Friday that the Board would believe that teachers "enjoyed" having students suspended.

Before effecting its temporary halt to suspensions the Board had listened to complaints that suspended students often ended up on the streets in trouble with police. No figures or data are available on this contention.

But what is known is that police filed more than 7000 charges last year against youngsters of public school age, that is under 18.

Each year about 4500 youths drop off school rolls, according to the School Board figures. But there is strong evidence that a good many more still carried on the rolls infrequently attend their schools and roam around, often loitering near other schools.

Yesterday at Hart, Principal James Carter stood on the playground in the early afternoon. Along with a police liaison officer, some community workers and an assistant principal, he turned away "outsiders."

As many as 50 to 60 of them

congregate at the school during a warm spring day, especially when the girls are outdoors for physical education classes, Carter said.





1           PRESIDENT COATES: Our next speaker, Mr. John Burns,  
2 Chairman of the Ad Hoc Education Committee of the Far Northeast  
3 of the Democratic Central Committee. He will address the Board  
4 on discipline and authority.

5           STATEMENT OF JOHN BURNS, CHAIRMAN,  
6           AD HOC EDUCATION COMMITTEE OF THE  
7           FAR NORTHEAST OF THE DEMOCRATIC  
8           CENTRAL COMMITTEE

9           MR. BURNS: "Mr. Chairman, I am John W. Burns,  
10 President of the Burrville PT-A; Chairman of the Ad Hoc  
11 Committee for the Securing of Woodson Senior High School, the  
12 Immediate Construction; and also Chairman of a special com-  
13 mittee to see that Burrville School is not forgotten in this  
14 year's budget.

15           However, it seems as though Bruce Terris has been  
16 looking over my shoulder, because much of what I have and  
17 have been studying since the last time I testified, he has  
18 already said.

19           The problem of discipline in the public schools,  
20 often when these problems are brought to the attention of the  
21 administrative body or the School Board, the first action  
22 taken is that someone downtown rushes out to the school and  
23 removes the principal. For me or anyone else to believe that  
24 in removing a principal after, first of all, not looking at  
25 what the real problem is, and considering the problem solved,



1 I would think we would miss the point.

2 I would say that maybe the principal's major problem  
3 is that much of the supportive staffs which you have there,  
4 much of the supportive agencies which you have invested there  
5 in that school, may not be serving the needs of that school.

6 . However, the principal might be crying, in dire need  
7 of help, and he may not be heard. Supportive staff, such as  
8 roving leaders, neighborhood aides, recreation staff, who  
9 constantly are seated in a building waiting for the kids to  
10 get out of school. .

11 I wonder if we shouldn't look at having these people  
12 work with the school principal and his staff, and with the  
13 children, and with the parents whom Dr. Manning said, in a  
14 press release that I read this afternoon, that maybe the  
15 parents are the problems. Maybe the parents need to learn how  
16 to coordinate or need to coordinate with the teachers.

17 I find this most impossible under the present system  
18 because the Union has decreed that teachers leave school at  
19 3:15, that PT-A meets only twice a year, or teachers aren't  
20 required to visit, et cetera.

21 So, I am saying we are working against an impossible  
22 task.

23 However, I think the Board should do the following:

24 That the School Board seek from the agencies in-  
25 volved a commitment to supply the kind of services needed by





1 the principal for that particular school, that all present  
2 supportive agencies operating in the schools study it in order  
3 to determine their work.

4 That there be an immediate study to determine  
5 whether the agency you are operating there, whether it be job  
6 counselor services, that these agencies be looked into to see  
7 if they are really doing the job. Many of the services are  
8 simply on paper and not serving the needs of either the  
9 children nor the staff.

10 Second of all, that before a principal is removed  
11 that you touch base with the true leaders in the community,  
12 with the true youth leaders in a school, and with the leaders  
13 present at that school. Oftentimes, the leader who contacts  
14 you may not be the leader in that community who is recognized  
15 by that community.

16 Second of all, when Mr. Manning speaks of coalition  
17 of parents, and parents and teachers working together, that  
18 he submit to the parents through whatever body you might have,  
19 a plan as to how the parent can do this, with the strenuous  
20 task which the Government puts on the parents as to earning a  
21 living and with the Union putting a strenuous task for the  
22 teacher of getting out of the school at 3:15. I find that  
23 impossible.

24 Number three, jobs for students become a reality, and  
25 not one in which 100 students from a particular school may



1 apply, but only ten may be hired. Not one where students  
2 believe that they can get jobs, but there are no jobs when they  
3 go to look for them.

4 Many students are aiding in the whole family income.  
5 So we shouldn't try to push them out by again fooling with a  
6 program which we have brought in and not really looked at the  
7 work of the program.

8 And last, that we of Northeast, the people -- and  
9 when I say "we", I do not speak for all of the people at  
10 Northeast, nor do I want anyone to leave here thinking this --  
11 but for the people whom I have been in touch with, we will say  
12 that before you remove a principal from a school, do not wait  
13 until afterward, touch base with the youth, the true leaders,  
14 and the people at the school to find out really what is going  
15 on.

16 Do your research and I don't think we will have the  
17 same kind of problem that existed at Evans the other day.

18 Thank you very much."

19 (Applause.)

20 PRESIDENT COATES: Thank you, Mr. Burns.

21 The next speaker is Mr. Sean Ross, student at the  
22 Lenox Elementary School, and he will address the Board concern-  
23 ing the lack of teacher aides at the Lenox School.

24 Sean, I understand, is six years old.

25 MR. ROSS: Right, I am.





# Principal Toppled by Black Militancy

By Lawrence Feinberg  
Washington Post Staff Writer

The first student boycott Sidney Zevin ever faced was in September, 1954, when white students walked out of Taft Junior High School on the first day of desegregation in Washington.

Zevin, who then was teaching history to eighth graders, remembers chasing after them onto the playground at 18th and Perry Streets NE and "giving them hell" for not wanting to be in class with Negroes.

"I wanted integration, and I still do," he said in an interview this week. "I was determined to make the thing work."

The most recent boycott Zevin faced was on Feb. 9 when militant black students almost closed Western High School at 35th and R Streets NW in Georgetown. The boycott leaders called Zevin a "racist" and demanded that he be removed as principal.

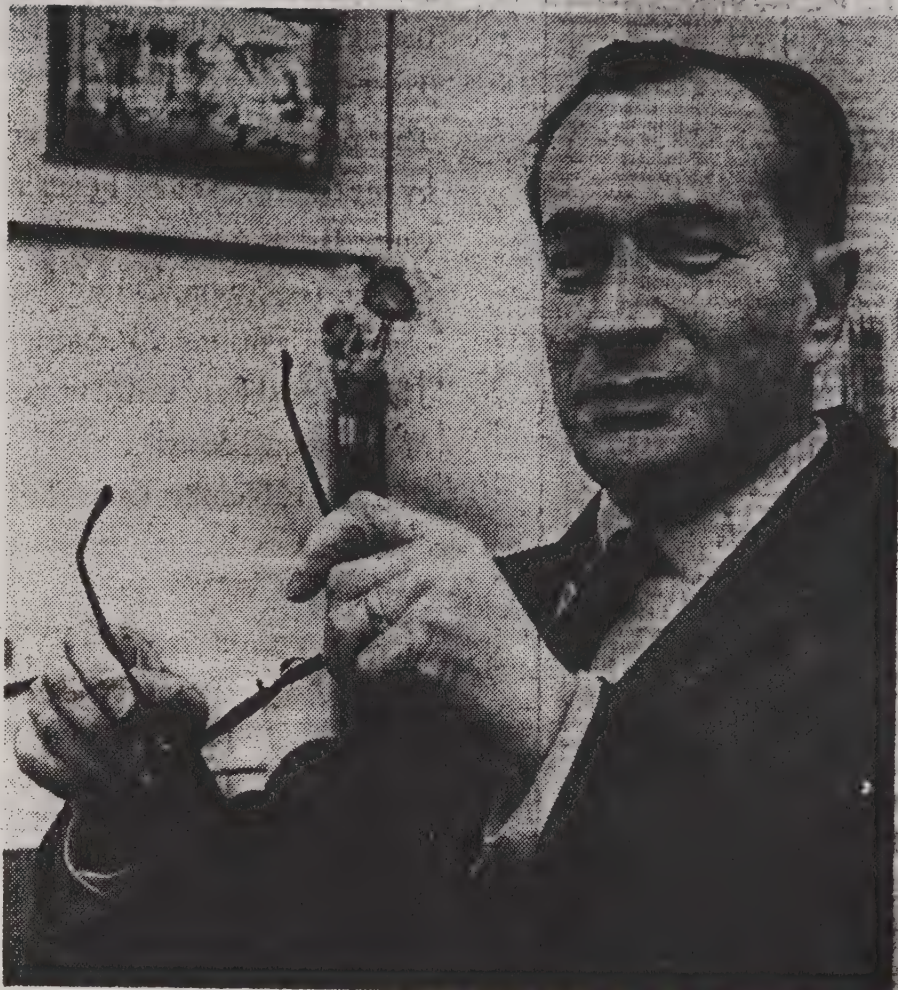
The next afternoon school authorities announced that Zevin had asked to quit his post a few days earlier. He was replaced by a Negro. It was the first black principal at Western, even though its enrollment has reached 68 per cent Negro. It left only two whites remaining as principals at Washington's 11 regular high schools.

At age 50, Zevin is short and still trim. His hair is black except for a few flecks of gray at the temples.

He seems too young to be the last of his kind, but when he looks around, he thinks he might be.

The neighborhood where he was born, a mixture of working-class immigrants and blacks in the 600 block of Q Street NW, has deteriorated into a slum.

See ZEVIN, A12, Col 1



By Harry Naltchayan—The Washington Post

Sidney Zevin discusses D.C. school boycotts.

WASH POST 2/25/70





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"Some of the militants seem to be saying, 'If it was wrong for you, I'll make it wrong for me.' They go around calling people fascist and pigs, and then make clenched fist salutes and wear army jackets and black berets."

"I'm no hero, and I don't want to be a martyr," Zevin said, and when he sits by his front home in Silver Spring, Md., he isn't.

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On Jan. 14 Brown arranged for the Rev. Douglas Moore, chairman of the Black United Front, to visit Western, and students from many classes crowded in to hear him.

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NOW 55.

NOW 62.

NOW 75.

NOW 97.

## T COATS

NOW 27.

NOW 32.

NOW 37.

## TOP COATS

NOW 47.

NOW 75.

NOW 75.

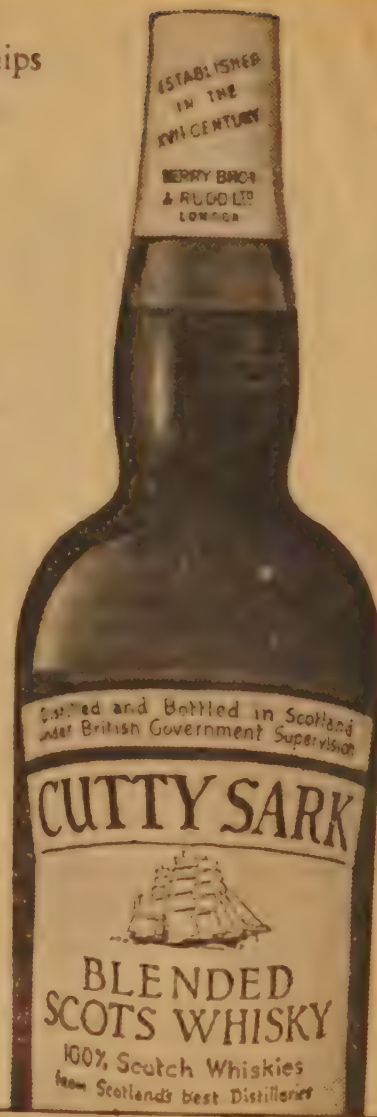


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**S. Foster**, director of defense research and engineering, Joint Chiefs Chairman Gen. Earle Wheeler, and Defense Secretary Melvin R. Laird, who asked ARPA expansion.

# Laird Asks Another ABM Site

cepts" of target missiles with partial successes, and two failures. its ARMs

its ABMs.

• Last year the Soviets had six to nine "Y" class (Polaris type) submarines with 8 to 12 under construction. "They have launched more (now) and have an additional 10 to 12

Congressional reaction to

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they pleased.

There are about 1,270 students enrolled at Western; about 850 are black.

The militant black students who finally toppled him, with the help, Zevin believes, of some teachers, complained not that he was too tough and overbearing, but of the opposite.

"The students of Western High School are tired of a leaderless, guttless (sic), and apathetic administration," an anonymous "Andre" wrote in the Jan. 15 issue of "Uhuru," published by a black student group. "We are tired of a spineless great white father . . ."

In contrast to principals at Wilson and Coolidge high schools, Zevin did stand firm at one point. He refused to give official recognition to a blacks-only organization and insisted that "All student groups should be open to all students."

"I don't push my opinions too far," he said. "But I do draw the line at black separatism. I draw the line at the use of violence. I draw the line at the deliberate refusal to communicate."

"I have no objection to black separatism, if people want to do it on their time, and away from school, but I don't see it within a public school . . ."

"I've been principal of an integrated school, a principal of human beings. That may sound corny but it's so. And if it's going to be any other way, if we're going to push black separatism, that's a decision for the board of education. And they'll have to make it, even for all-black schools, in terms of curriculum and attitudes. In this city, it's really a decision for blacks to make, and it's going to have to be made soon."

The black group at Western was formed last fall and named the Black Student Union. Its adviser, James Brown, 26, is a history teacher, who last year headed a small Afro-American Teachers Organization that demanded Zevin be replaced by a Negro.

In mid-December, Brown showed two Black Panther movies to his classes and brought in three Black Panthers to discuss the films.

A teacher who sat through the discussion said it was mainly on tactics, such as whether it was best for the Panthers to be open or underground and how to get money from willing whites. There was no debate, he said, on the virtues of separatism or on the armed revolution espoused by the Panthers.

When the head of the history department suggested that Brown try to balance this presentation, Brown played a tape recorded speech by William Pierce, a leader of the National Socialist White People's Party.

Wayne Burris, the "minister of defense and security" of the black group, said later that the Panther movies were "very influential."

After Christmas, the group renamed itself the Organization of Afro-American Students (OAAS), and established a separate group for nonblacks called the White and Foreign Student Supporters of the OAAS. An alliance combining the two was set up, and called the Student Coalition Against Racism (SCAR).

The pattern was similar to coalitions the Black Panthers have formed with sympathetic white groups. The Panthers call their alliances the Coalition Against Racism and Fascism.

At Western the groups refuse to disclose how many members they have. Teachers estimate the black group

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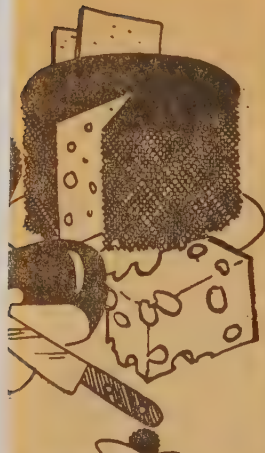
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for wearing slacks, and if fellow  
don't wear them, the principal are  
saying that they are the one who  
run the schools and not the board  
of Education (especially Shaw school)  
and the new principal at Hine  
is trying to make those students  
dress up. These principal are going  
to have it their way. They are going  
on what George Rhodes said there  
is a dress code. Something must  
be done about these things. Please  
see why kids are still be put out of  
school because of the no dress  
code.

A Parent

Dress code



note

Give this

Please Give this note

to Mr. Johnson







May 10, 1969

Policy Statement of Board of Education on Suspensions:

1. The principal will telephone the Office of the Assistant Superintendent concerned for approval of immediate suspension, followed by a written report (in quadruplicate) to the Superintendent through the Assistant Superintendent.

2. The principal will notify the parent by telephone immediately. This notice is to be followed by a notice in writing giving the reasons for suspensions and the conditions under which readmission may be made.

This notice is to be delivered by whatever means are necessary to guarantee delivery on the date of suspension.

3. After the first day of <sup>second</sup> suspension a hearing must be held on the ~~second~~ <sup>on the third day of suspension</sup> day to allow the student an opportunity to state his case. At this

hearing the following people must be present: the principal, the suspended student, the parents or guardian of the student, the teacher responsible for recommending suspension and a disinterested party.

Wherever possible the disinterested party should be that Ward's School Board Member or his designated representative. The principal will decide on the length, terms and validity of the suspension. A record must be kept of each case and submitted, upon request, to the Board of Education for review. This provision for a hearing becomes effective with the

~~second suspension.~~ Appeals from the hearing may be made to the appropriate Assistant Superintendent with final appeal to the Board of Education through its Committee on Appeals and Grievances.



May 10, 1969

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3. After the first day of suspension a hearing must be held on the second day to allow the student an opportunity to state his case. At this hearing the following people must be present: the principal, the suspended student, the parents or guardian of the student, the teacher responsible for recommending suspension and a disinterested party.

Wherever possible the disinterested party should be that Ward's School Board Member or his designated representative. The principal will decide on the length, terms and validity of the suspension. A record must be kept of each case and submitted, upon request, to the Board of Education for review. This provision for a hearing becomes effective with the second suspension. Appeals from the hearing may be made to the appropriate Assistant Superintendent with final appeal to the Board of Education through its Committee on Appeals and Grievances.





4. If the student's parents or guardian <sup>in dispute</sup> can't or won't appear for the hearing, the student is free to select his own <sup>adult</sup> representative.
5. At the end of the suspension period, it is the school administration's responsibility to contact parents and assist the student to return to school.

We all realize that some students, because of a variety of circumstances in their lives, often beyond their control, have special adjustment problems expressed in destructive behavior patterns. Suspension is not the answer -- for society or for the individual. We must design new answers such as:

Assign students to special classes for temporary periods

Assign students to remedial tutorial help

Provide special individual attention -- health, counseling, clothing, etc.

Provide special school with specially trained and gifted teachers

Provide work-training programs with flexible schedules.

6. Upon receipt of the principal's report in writing, if the Assistant Superintendent concerned approves the suspension, he will so notify the Superintendent in writing of the action of his office.
7. A copy of the written report sent to the Superintendent through the Assistant Superintendent should be sent to the Department of Pupil Personnel Services by the Principal of the school. The report should document the reasons for suspension, cite attempts on the part of the school to resolve the problems, and contain all other anecdotal data of pertinence as well as the date of suspension.





8. If the conduct of the pupil is such that it would seem wise to call the Police Department, the principal should first confer with the Assistant Superintendent concerned unless the safety of others is at stake.
9. No pupil should be sent home during school hours who can be retained in a controlled school setting.
10. No pupil should be sent home at any time unless his parent, guardian, or a responsible adult in the home has been reached by telephone and informed that the child is being sent home. Letter of confirmation should be mailed to parent. In cases where an adult is not reached, the child should be kept in school building until 3:00 o'clock and written notice sent by mail to discuss pupil's problem. Unless pupil's behavior warrants the authorized suspension procedure, he should be admitted to school the following day.
11. Further guidelines may be found in the publication, Improving Pupil Behavior, 1968 Reprint, with special reference to page 13 of that booklet.



*Rough Draft*

Recognizing the responsibility of the schools to provide an environment where learning can take place, it is essential that the welfare and safety of students and staff be an important element of this learning environment.

Whenever behavior of some children becomes disruptive to the point where safety, welfare, and learning are impaired, it shall be the intent of the District of Columbia Public Schools

- a) to offer services and supportive staff to minimize the disruptive behavior
- b) to secure services and cooperative support from other agencies
- c) to recognize the need for suspension of pupils who demonstrate disruptive behavior as in
  - 1) assault
  - 2) possession of weapons
  - 3) extortion and theft
  - 4) arson and fire setting
  - 5) possession of alcoholic beverages
  - 6) sexual assault and exposure
  - 7) destruction of property

Procedures are as follows:

1. The principal will telephone the Office of the Assistant Superintendent concerned for approval of immediate suspension, followed by a written report (in Quadruplicate) to the Superintendent through the Assistant Superintendent.
2. The principal will notify the parent immediately, to be followed by a letter to the parent prepared on the day of suspension giving the reasons for suspension.
3. No pupil <sup>shall</sup> ~~should~~ be sent home at any time unless his parent, guardian, or a responsible adult in the home has been informed that the child is being sent home. In cases where an adult is not reached, the child <sup>shall</sup> ~~should~~ be kept in school building until 3:00 o'clock.

*Does not define reasons or basis of which student can be suspended*





4. Copies of the written report <sup>shall</sup> should be sent to the Assistant Superintendent who will transmit a copy to the Superintendent and Assistant Superintendent, Department of Pupil Personnel. The report should contain the reasons for and date of suspension, attempts on the part of the school to resolve the problem and anecdotal data.
5. If the conduct of the pupil is such that it would seem wise to call the Police Department, the principal should notify the Assistant Superintendent and parent.

Written notification will be made to the Assistant Superintendent by the principal when the pupil reenters school. This notification should include the steps taken to resolve the issue.

May 9, 1969





May 13, 1969

Reverend James Coates  
D.C. School Board  
Franklin Administration Building  
13th & K Streets, N.W.  
Washington, D.C.

Dear Reverend Coates:

Neighborhood Legal Services applauds the D.C. Board for its action on May 10th in laying down guidelines on school suspensions which include the right to hearing, notification of parents, and help in returning to school. We hope that we can obtain copies of these guidelines for our lawyers as soon as they become available. We in turn will be glad to provide representation at school suspension hearings for parents and students who are financially eligible for our services.

We wish also to bring to the Board's attention to three additional facets of the suspension problem which we hope will be covered in the written guidelines.

1. It should be clearly understood that any denial of a child from school or from a certain class is a suspension which comes under the new rules. We have encountered several cases where the child is sent home but it is never formally recorded in the school records as a "suspension" so that the rules governing suspensions are not invoked. The definition of a suspension should cover any and all refusals to let a child attend school or any part of it. One junior high school child we know has now been kept out of a typing class for two months by a particular teacher and although not removed from school altogether faces a failing grade in that subject. Such partial suspensions deserve the same basic guarantees of fairness and should be specifically covered in the Board's rules.





May 13, 1969

2. The legally allowable grounds for suspension are still in doubt. Neither the D.C. Code nor the Board's own Rules now define the kinds of behavior by which suspension should be permitted. We call the Board's attention to the recent New York case, Howard v. Clark, reported in 37 Law Week 2952 (April 22, 1969) in which public high school suspensions were invalidated when they were based on behavior not defined in the law as justifying suspension. We believe that leaving the grounds for invoking this power still in the individual principal's discretion may fall afoul of the law if challenged in the courts here. The Board should spell out the kinds of general behavior subject to suspension in line with its authority and responsibility under 310 D.C. Code 103 to "determine all questions of general policy relating to the school."

3. In the area of dress codes while we would agree that a "reasonable dress" rule protecting against totally bizarre, revealing, or inappropriate dress should be valid, we urge caution in laying down dress codes which come anywhere close to a uniform status, i.e. leather shoes, jackets, dress shirts with ties. These may indeed not only infringe on a student's permissible freedom of expression, but also discriminate against poorer students who cannot afford to conform. Indeed, we would also argue that where such dress is compulsory, it comes within the Code provision 31 D.C. Code 401 which requires the District to pay for all "necessary supplies" in school. And we believe that this Code provision must be construed to include gym uniforms and the like. You are undoubtedly aware of the recent case handled by one of our lawyers in which a child was flunked in physical education for want of a gym suit his mother (on welfare) could not afford.

Again, we wish to extend our appreciation to the Board for their courageous action in putting a stop to the indiscriminate and unfair suspension policies which have existed up to now in our schools.

Sincerely yours,

Laurens H. Silver  
Deputy Director for Law Reform  
and Education

LHS/svb





## THE UNIVERSITY OF THE STATE OF NEW YORK

## THE STATE DEPARTMENT OF EDUCATION

Before the Commissioner

IN THE MATTER

Of the

Appeal of JOAN C. McQUADE, from the action of the Board of Education of Central School District No. 5 of the Town of Colonie, Albany County, in relation to suspending her son JOSEPH McQUADE, JR., from the attendance at regular classes.

---

Ernest B. Morris, Esq.....Attorney for Respondents

---

This appeal is from the action of the school officials of the above-mentioned school district in refusing to permit Joseph McQuade, Jr., a tenth grade student, to continue attending regular classes at the Shaker High School because he, with the backing of his parents, insists on wearing a certain type of footwear referred to by respondents as "an extreme type of western-style boots."

The "boots" were presented as evidence at the oral hearing in the case and appear to be plain black shoes, somewhat above ankle height, with heavy zipper fasteners on the sides, pointed toes, and approximately 1-1/2 inch heels.

The record shows that certain of Joseph's teachers informed him that his shoes were not proper school attire, suggesting that he wear "conventional sneakers or loafers."

The issue here is the same as in Dalrymple v. Board of Education of the City School District of the City of Saratoga Springs, namely, the right of public school officials to prescribe or require a specific type or style of dress on the part of students.

In that case, it was stated that a board "would clearly have the right to prohibit the wearing of such items as metal cleats on shoes which might damage the floors, a type of clothing in physical

THE STATE OF NEW YORK

DEPARTMENT OF EDUCATION

Commissioner

THE STATE

IN SENATE

REPORT OF THE COMMISSIONER OF THE DEPARTMENT OF EDUCATION FOR THE YEAR 1911

ALBANY: JAMES B. WARD, STATE PRINTER, 1912.

THE STATE OF NEW YORK  
IN SENATE  
JANUARY 1, 1912

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REPORT OF THE COMMISSIONER OF THE DEPARTMENT OF EDUCATION FOR THE YEAR 1911

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education classes which unduly restricts the student from participating therein, long-haired angora sweaters in cooking classes where open-flame gas ranges were used, any kind of apparel which indecently exposes the person, or in sum, to prohibit the wearing of any kind of clothing which causes a disturbance in the classroom, endangers the student wearing the same, or other students, or is so distractive as to interfere with the learning and teaching process."

In this case, there is presented in the answering papers no conclusive evidence of such effect from the wearing of the shoes complained of, the record merely indicating that the teachers do not like the style of the shoes worn by the appellant's son. Hence, there is no legal basis to support the action of the school officials in refusing to permit this student to attend regular classes.

While, because of the guarantee of individual rights as set forth in the state and federal constitutions and interpreted by the courts, school officials do not have the power to compel students to wear a uniform or a particular kind of dress, they do have the power and obligation to set reasonable standards concerning the dress and appearance of students while in school, subject, of course, to the above quoted limitations as set forth in Dalrymple. Such standards are, in my opinion, essential to the orderly management and smooth operation of the school. This being the case, it would seem that such standards, to be effective and to accomplish their desired intent, and at the same time to protect individual rights, should be arrived at with the cooperation of the parents and students.

There is nothing in the record before me to indicate that a statement of such standards now exists at Shaker High School. I would strongly recommend and urge that such a statement be developed following the procedure herein suggested.

The rights of the individual, be he a parent or child, are protected by both the state and federal constitutions from undue interference by government. The right of parents to control the style of dress worn by their children falls under this general



Following the procedure for the assignment of



protection. It is important, however, that parents give serious consideration to the responsibility which is the corollary of every right.

Defiance of reasonable standards is harmful to all concerned--parent, student and school--and every effort should be made by school authorities not only to provide for cooperation in framing such standards but to seek amicable solutions to incidents which may arise from their implementation.

In any event, however, it is clear that a pupil may not be excluded from regular instruction because of his appearance where style, fashion or taste is the criterion except for the reasons above quoted in the Dalrymple case.

Our schools have an important duty to perform in teaching young people good manners, proper dress, cleanliness, and moral habits, as well as academic skills and knowledge. They also have an obligation to teach, demonstrate and encourage the kind of cooperation that is necessary to enable individuals to live together with due consideration for the rights of all. It is the duty of the parents to support the schools in these efforts, both by example and precept, not only for the general well-being of society but for the best interests of their children.

The appeal is sustained and it is

ORDERED that the Board of Education forthwith reinstate Joseph McQuade, Jr., to regular classes in the school which he legally attends.

IN WITNESS WHEREOF, I, James E. Allen, Jr.  
Commissioner of Education of the State  
of New York, for and on behalf of the  
State Education Department, do hereunto  
set my hand and affix the seal of the  
State Education Department, at the City  
of Albany, this 30th day of Sept., 1966.

/S/ JAMES E. ALLEN, JR.  
Commissioner of Education

... ..  
... ..  
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## THE UNIVERSITY OF THE STATE OF NEW YORK

## THE STATE DEPARTMENT OF EDUCATION

Before the Commissioner

IN THE MATTER

Of the

Appeal of PATRICIA DALRYMPLE and  
SHARON ANN DALRYMPLE, from the action  
of the Board of Education of the City  
School District of the City of  
Saratoga Springs, Saratoga County, in  
relation to the attendance of  
SHARON ANN DALRYMPLE.

---

Arthur J. Harvey, Esq .....Attorney for Appellant  
Theodore H. Grey, Esq.....Attorney for Respondent

---

This appeal is from the order of the principal of the high school of the above-entitled district, expelling appellant's daughter from school until, in disobedience to her mother's order, she would attend school dressed in a skirt rather than in the slacks her mother wished her to wear to and in school, because of the severe temperature at the time.

The record indicates that appellant's daughter is a senior in high school, had been ill, has to walk to school for a distance of over a mile and the school which she attends consists of several buildings so that students, in order to get from one building to the other, must walk outdoors. Appellant alleges that the temperature on the day of expulsion was six degrees above zero which is not denied.

It must be noted at the outset that there is no claim here on the part of respondent that the slacks worn by appellant's daughter were objectionable from the standpoint of modesty, decency, cleanliness, neatness or on any other basis. The Board does not claim that the slacks were a distracting influence in the school but merely that the wearing of them violated a rule made by the principal. Nor is there any claim on the part of the parent that she wishes her daughter to wear slacks at all times while she is in school.







Thus, the conflict here is between the right of the parents to control the type of clothing to be worn by their child, under the specific circumstances and for the specific reasons here involved, and the right of the public school authorities to regulate the wearing apparel of students and, more particularly, to expel a student for failure to comply.

This appeal thus raises some very fundamental issues.

Respondent claims that Section 310 of the Education Law does not apply to matters of this kind and that, therefore, jurisdiction does not lie with the Commissioner of Education. The statute, however, is very broad and clearly authorizes "any person conceiving himself aggrieved" to appeal from "any...official act or decision of any officer, school authorities...of any other act pertaining to common schools." Such an appeal, then, the Commissioner "is hereby authorized and required to examine and decide", and the Courts have so determined (cf. Szkolnik v. Allen, 19 AD 2d 764). This claim therefore is not tenable.

Turning then to the merits of the appeal, it is, of course, true that boards of education have been given very broad powers for the purpose of enabling them to perform their function, i.e., the education of youth. Specifically, the board of education has the power to make "such regulations and by-laws as may be necessary to make effectual the provisions of [the Education Law]...and for the...general management, operation, control, maintenance and discipline of the schools..." The statute further gives the board of education "all the powers reasonably necessary to exercise powers granted expressly or by implication by [the Education Law] or other statutes."

Consequently, there can be no question but that the board of education has the power to make reasonable rules and regulations relating to attire and appearance of students while in school or on the school grounds. This is part of the board's broad powers and responsibilities to make such rules and regulations as will contribute to the smooth administration and operation of the school. It is axiomatic, however,

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that such rules must clearly relate to the educative process and must be necessary to the protection thereof.

In regard to attire, the board, for instance, would clearly have the right to prohibit the wearing of such items as metal cleats on the shoes which might damage the floors, a type of clothing in physical education classes which unduly restricts the student from participating therein, long-haired angora sweaters in cooking classes where open flame gas ranges were used, any kind of apparel which indecently exposes the person, or, in sum, to prohibit the wearing of any kind of clothing which causes a disturbance in the classroom, endangers the student wearing the same, or other students, or is so distractive as to interfere with the learning and teaching process.

It must also be pointed out, however, that the rights of the individual, be he parent or child, are protected by the Bill of Rights of both the state and federal constitutions from undue interference by government, on the national, state or local level.

In the cases of Pierce v. Society of Sisters and Pierce v. Hill Military Academy, 268 US 510, 534, 535, for instance, the United States Supreme Court held unconstitutional a State statute which

"unreasonably interferes with the liberty of parents and guardians to direct the upbringing and education of children under their control. As often heretofore pointed out, rights guaranteed by the Constitution may not be abridged by legislation which has no reasonable relation to some purpose within the competency of the State. The fundamental theory of liberty upon which all governments in this Union repose excludes any general power of the State to standardize its children...the child is not the mere creature of the State; those who nurture him and direct his destiny have the right, coupled with the high duty, to recognize and prepare him for educational obligation." (emphasis supplied.)

In an earlier case the United States Supreme Court (Meyer v. Nebraska, 262 US 390, 400, 401) stated as follows:

"That the State may do much, go very far indeed, in order to improve the quality of its citizens, physically, mentally and morally is clear; but the individual has certain fundamental rights which must be respected. The protection of the Constitution extends to all...--a desirable end cannot be promoted by prohibited means."

THE UNITED STATES OF AMERICA

IN SENATE

COMMITTEE ON THE JUDICIARY

HEARINGS

ON

THE PROPOSED

REVISIONS OF

THE FEDERAL JUDICIAL SYSTEM

AND

THE PROPOSED

REVISIONS OF

THE FEDERAL JUDICIAL SYSTEM

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In the case of West Virginia Board of Education v. Barnette, 319

US 624, 638, the United States Supreme Court stated:

"If there is any fixed star in our constitutional constellation, it is that no official high or petty, can prescribe what shall be orthodox in politics, nationalism, religion, or other matters of opinion or force citizens to confess by word or act their faith therein. If there are any circumstances which permit an exception, they do not now occur to us."  
(emphasis supplied).

Application of the above principles to the case at hand indicates that a school district does not have the power to compel students at pain of expulsion to wear a uniform type of clothing. To the extent that in this case the children in senior high school are required to wear dresses rather than slacks, this, of course, immediately gives rise to the presumption that a uniform type of clothing is being prescribed. It is obvious, as a matter of legal power, that if the school district has the right to insist on skirts for girls, it would also have the right contrarywise to insist on slacks or any other mode of dress.

As a matter of fact, in 1874, the then State Superintendent of Public Instruction, Dr. Weaver, had occasion to decide a similar appeal, where a board of trustees, expelled two children from school because of the refusal of the mother to comply with the requirement of the teacher and the trustees, in regard to the mode in which the hair of the little girl of nine should be arranged. Holding that the child did not appear to have violated any rule, unless it is by coming to school with her hair arranged by her mother in a manner different from that required by the trustees, Dr. Weaver stated:

"The action of the trustees is without lawful authority. They had no right to make such a regulation as they say was disregarded in this case, and consequently, they could not legally inflict any penalty for its violation."

The trustees were directed to admit the children to school.

I have concluded, therefore, that: 1) because of the guarantee of individual rights as set forth in the state and federal constitutions and interpreted by the courts, the Board of Education does not



have the power to compel students, at the peril of expulsion from school, to wear a uniform or particular kind of clothing; 2) the Board does have the power and obligation, however, to make reasonable rules concerning the dress and appearance of children while in school, subject to the limitations set forth herein, and such rules are, in my opinion, important to the orderly management and smooth operation of the school.

This latter point being the case, it would seem that such regulations to be effective and to accomplish their desired intent, and at the same time to protect individual rights, should, of course, be arrived at with the cooperation of the parents and the students.

It must be added that defiance of rules or regulations of democratically constituted authorities is harmful to all concerned--parent, student and school, and every effort should be made not only to provide for cooperation in the framing of rules and regulations but to seek amicable solutions to incidents which may arise from enforcement of such rules and regulations.

In the instant case, I am of the opinion that greater effort could and should have been made by both parties to resolve the differences cooperatively and reasonably without disruption of the education of the student or recourse to legal action.

Therefore, this matter is remanded to the school authorities in order that an acceptable solution can be achieved.

IN WITNESS WHEREOF, I, James E. Allen, Jr.,  
Commissioner of Education of the State of  
New York, for and on behalf of the State  
Education Department, do hereunto set my  
hand and affix the seal of the State  
Education Department, at the City of  
Albany, this 14th day of March, 1966.

/S/ JAMES E. ALLEN, JR.

Commissioner of Education





BOARD OF EDUCATION OF THE DISTRICT OF COLUMBIA

PRESIDENTIAL BUILDING

415 TWELFTH STREET, N. W.

WASHINGTON, D. C. 20004

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GERTRUDE L. WILLIAMSON

EXECUTIVE SECRETARY

May 19, 1969

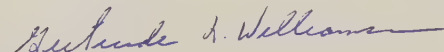
To the Faculty  
Alice Deal Junior High School  
Fort Drive and Nebraska Avenue, N. W.  
Washington, D. C.

Ladies and Gentlemen:

Receipt is acknowledged of your letter dated May 9, 1969.

Copy of your communication has been forwarded to members of  
the Board of Education.

Very sincerely yours,



Gertrude L. Williamson  
Executive Secretary  
Board of Education

GLW:lr

cc: Members of the Board ✓





OFFICE OF EXECUTIVE SECRETARY

MAY 13 1969

BOARD OF EDUCATION, D.C.

May 9, 1969

Board of Education of the District of Columbia  
Presidential Building  
415 Twelfth Street, N.W.  
Washington, D.C. 20004

The following members of the Alice Deal faculty express gratitude, encouragement and cooperation to their colleagues at Eliot Junior High School who yesterday manifested the dismay, distress and desperation of us all at the tragic breakdown in standards and at the failure of the administration to take a positive and practical approach to the unmet needs of our young people:

Rose Lewis Glaser	Robert Benson	B. D. Ciarelli
Geraldine Lebach	Norma Lark	Pat Quace
Elizabeth Barnes	Francis M. Bryan	H. E. Flowers
Essie Page	Doris D. Taylor	Myrtle K. Hansberry
Mary Conte	L. J. Dawson, Jr.	Carol A. Gross
Shirley Almquist	D. C. Cohen	Zyda Intes
Kay Skild	D. C. Cordell	John Robert m
Jan Skull	cc: Dr. William R. Manning	Clara S. Heller
Warren Mackernan	Mr. George R. Rhodes, Jr.	Janice Kelly
Maria Lepus	Luis L. Nicholson	Virginia Cochran
Jeane Reed	Anna B. Fort	John Lau du dolo
Esther Feldstein	Ida M. Hill	
	K. M. Wasserman	





DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE  
SOCIAL AND REHABILITATION SERVICE  
WASHINGTON, D.C. 20201

Student  
Rights

Mr Julius Hobson  
Social Security Administration  
HEW - 3066

Dear Mr Hobson -

I have been reading the papers re the attempts to change disciplinary methods and to drop the suspension of students. It seems an excellent idea, but, as demonstrated, cannot be instituted without making other changes.

As it happens, I recently talked with a psychiatrist: Dr William Lammers, Jr.  
Med. Dir <sup>Montessori</sup> Tamalpais Center for  
Disturbed Children  
Kentfield, Calif.

He said that the Tamalpais schools had changed their whole system of discipline, had dropped suspensions + coercion in general, but had a well worked out program of how they did handle infractions. He said it was working beautifully - + while I'm not sure, I believe he had been a consultant to the school system in setting this



up. In any case I think either he, or  
the Tamalpais school system could  
describe their method, & the inservice  
<sup>for teachers</sup> training, which is probably necessary  
to institute such a change. Tamalpais  
is an integrated system, & not middle class  
so I think it should be relevant & workable  
here in D.C.

Sincerely,

Cecilia India  
Div. of Research  
Children's Bureau

2223-50

WILLIAM H. SIMONS, *President*  
1917 Randolph Street, N.E.  
526-4869



## THE WASHINGTON TEACHERS' UNION

1126 16th STREET, N. W.  
WASHINGTON, D. C. 20036

Phone: 223-2460



### ARTICLE XX DISCIPLINE

#### Agreement between THE BOARD OF EDUCATION of THE DISTRICT OF COLUMBIA and THE WASHINGTON TEACHERS' UNION

A. The Board and the Union recognize that the maintenance of discipline by the teacher and the Administration is necessary in order that an effective educational program may be conducted. To achieve this end, both parties recognize that actions taken to resolve student difficulties should be those which are intended to return the student to a profitable and acceptable learning situation.

B. Realizing that teachers are concerned and interested in resolving student difficulties, teachers will make every effort to resolve such difficulties without impairing the educational process of other students. Bearing this aim in mind, a teacher shall be free to send for the principal or his designee to escort, or to send or escort, to the principal's office any pupil who conducts himself in such a manner that learning for himself and other children in the classroom is seriously handicapped, or if the safety of himself, other pupils, or the teacher is seriously threatened. The question of whether the pupil shall be removed in the future from the classroom shall be decided by the principal, or his designee after a conference or conferences, which shall include but not necessarily be limited to: the teachers, the student, the parent or guardian, if available, and the principal or his designee. Any decision reached shall be made with the best interests of the student or students in mind. The teacher or Union shall have the right to invoke the Grievance and Arbitration procedure of Article VI to protest any arbitrary decision of the principal hereunder, and such procedure shall be expedited in cases arising under this paragraph.

C. At the request of the principal, teacher, parent, or student, a follow-up conference may be arranged, as specified in B above. The teacher shall have the right to be accompanied by a representative of his choice in all phases of follow-up procedure following the removal of a pupil from a classroom at the teacher's request.

D. The principal shall see that appropriate notification to police authorities is made in all cases involving violation of law and the Board shall provide proper legal assistance and support to the teacher in all cases that may result in police hearings or court action.

OFFICE OF EXECUTIVE SECRETARY

MAY 20 1969

BOARD OF EDUCATION, D.C.

RE: DISCIPLINE and SUSPENSIONS  
TO: Building Representatives and Union Teachers  
FROM: William H. Simons

".... a teacher shall be free to send for the principal or his designee to escort, or to send or escort, to the principal's office any pupil who conducts himself in such a manner that learning for himself and other children in the classroom is severely handicapped, or if the safety of himself, other pupils, or the teacher is seriously threatened..... The teacher or Union shall have the right to invoke the grievance and Arbitration procedure of Article VI to protest any arbitrary decisions of the principal hereunder, and such procedure shall be expedited in cases arising under this paragraph."

Article XX, Agreement between the Board & the Union

"....The Union wishes to make it clear that it is in full support of teachers in their efforts to improve conditions in order to do a more effective job."

William H. Simons, Pres. WTU

Article XX remains in force. A child may be removed from a teacher's classroom whether or not he is suspended from the school.

However, we all know that the removal of children when they engage in disruptive behavior is not the whole answer to the problem of discipline in our school system. Although there will always be some children with severe emotional problems and anti-social behavior, a school system can be organized and administered in such a way that learning will occur and children and teachers will be safe.

The Union invites all teachers who wish to study the deep-seated problems of our system and make proposals for their solution to work on committees over the summer months. We hope to come up with a comprehensive, but implementable, report that we can present for action to the school administration and to the Board of Education prior to the opening of school in the fall.

We would also be interested in receiving your observations on the working of the current suspension policy and your thoughts about a dress code.

If you are available to serve on a committee this summer, please send your home address and telephone number, name and school to  
Washington Teachers' Union, 1126-16th St., N.W.  
Washington, D.C. 20036 223-2460

May 13, 1969



September 30, 1968

To: Members of the Board of Education  
From: Mark R. Shedd, Superintendent of Schools  
Re: Policy Respecting the Right of Students to Circulate Petitions and Handbills, to Use Bulletin Boards and to Wear Insignia.

The primary liberties in a student's life have to do with the process of inquiry and learning, of acquiring and imparting knowledge, and of exchanging ideas. This process requires that students have the right to express opinions, to take stands, and to support causes, publicly or privately. There should be no interference in the school with these liberties, or with the student's access to or expression of controversial points of view, except as provided below.

1) Bulletin Boards - School authorities may restrict the use of certain bulletin boards to school announcements. Ample bulletin board space shall be provided for the use of students and student organizations, including a reasonable area for notices relating to out-of-school activities or matters of general interest to students. There shall be no prior censorship or requirement of approval of the contents or wording of notices or other communications, but the following general limitations on posting may be applied:

a) School authorities shall prohibit material which is obscene according to current legal definitions; which is libelous; or which inflames or incites students so as to create a clear and present danger of the commission of unlawful acts on or of physical disruption to the orderly operation of the school.

b) Identification shall be required on any posted notice of the student or student group issuing same.

c) The school shall require that notices or other communications be officially dated before posting and that such material be removed after a prescribed reasonable time to assure full access to the bulletin boards.

2) Distribution of Printed Material and Circulation of Petitions - Students shall be free to distribute handbills, leaflets and other printed material and to collect signatures on petitions concerning either school or out-of-school issues, whether such materials are produced within or outside the school.

There shall be no prior censorship or requirement of approval of the contents or wording of such material, but the following general limitations may be applied:

a) The time of such activity shall be limited to periods before school begins, after dismissal and during lunch time, if such limitation is necessary to prevent interference with the school program.

b) The place of such activity shall be reasonably restricted to permit the normal flow of traffic within the school and at exterior doors.

c) The manner of conducting such activity shall be restricted to prevent undue levels of noise, or to prevent the use of coercion in obtaining signatures on petitions. The danger of littering is not a sufficient ground for limiting the right of students to distribute printed material.

d) The school shall require that all printed matter and petitions distributed or circulated on school property bear the name of the sponsoring organization or individual.

e) The school shall prohibit the distribution of material within the restricted categories of paragraph 1, a) above.

In the case of petitions presented by students to the school authorities,



students shall have the right to have their petitions considered and to receive an authoritative reply thereto.

3) Buttons and Badges - The wearing of buttons, badges, or arm-bands bearing slogans or sayings shall be permitted as another form of expression, unless the message thereof falls within the restricted categories of paragraph 1,a) above. No teacher or administrator shall attempt to interfere with this practice on the ground that the message may be unpopular with students or faculty.

In imposing limitations on student expression for any reason under any of the foregoing provisions, the school must ensure that its rules are applied on a nondiscriminatory basis and in a manner designed to assure maximum freedom of expression to the students. The school shall particularly avoid any action placing restraints on ideas prior to their expression. Any student or student group deprived of freedom of expression under any of these provision shall have the right to request a hearing to determine whether such deprivation is justified under these rules. Such a hearing must be held as soon as possible after request before an impartial body, including representatives of the faculty and student body. The hearing shall provide for a full and fair opportunity for both sides to present evidence and argument as to the propriety of the application of the regulation in question. At the conduct of such hearings, the school shall have the burden of justifying its action.

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The above was ~~adopted~~ by the Board of Education of the School District of Philadelphia, September 30, 1968 by the following resolution:

Resolved, That the Board of Education adopt the policy entitled "The Right of Students to Circulate Petitions and Handbills, to Use Bulletin Boards and to Wear Insignia," and be it

Further resolved, That this policy shall be distributed by the Superintendent of Schools to all principals and district superintendents for the purpose of guiding them in these matters.





Return to Julius W Hobson

PRESENTATION TO THE BOARD OF EDUCATION  
BY NEIGHBORHOOD LEGAL SERVICES PROGRAM  
ON SCHOOL SUSPENSIONS AND EXPULSIONS

1. Neighborhood Legal Services' lawyers as well as other legal representatives for juveniles have become increasingly concerned with the lack of clear or equitable procedures for suspending or expelling school-age pupils. Cases have come to our attention where children below the age of 16 have been expelled from school for periods from several weeks to months with no compensatory education in the meantime. We are in the process of collecting and documenting the facts on several such cases which have come into our offices and will be glad to furnish you with them. Often such youngsters are subsequently arrested for crimes committed during the school day while they are free to roam the streets. In our experience both the children and their parents are confused as to their rights vis-a-vis suspension or expulsion and generally do nothing about it, awaiting some "official" action at an unknown future time. The cases usually come to our attention only after they have been involved in some subsequent misconduct ending in arrest and Juvenile Court action.

Our interviews with school officials on the subject have also produced a certain amount of confusion about what the procedures in suspension cases are and under what authority such suspension policies have been established. The D. C. Code provision governing Compulsory Attendance, 31 D. C. Code 201 (1967)



requires attendance of all children between seven and 16 in a public school unless the equivalent is given in a private school or by home instruction.<sup>1/</sup> A parent or guardian who permits a child to be absent for unauthorized reasons is guilty of a misdemeanor and may be committed to jail. The Board of Education must itself prescribe what shall be a valid excuse for absence. The only general exemption allowed in the Code is by a certificate from the Board excusing attendance on the ground that after examination the child is found to be "unable mentally or physically to profit from attendance at school," and even in such a case he must attend if it is found he can profit from specialized instruction. The Board exemption, we are told, is used rarely and only for cases of physical or mental disability not misconduct. Our Code contains no provision for suspending or expelling school-age children except through such Board certification.<sup>2/</sup>

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<sup>1/</sup>31 D. C. Code 202 allows employed children between 14 and 16 who have completed the 8th grade to be excused by the Superintendent.

<sup>2/</sup>Cf. Sec. 3214(6) of the New York Education Law authorizing suspension of pupils for designated reasons by school authorities and requiring "immediate steps...for attendance upon instruction elsewhere." N.Y. Board of Education, General Circular No. 16 (1966) sets out the precise suspension procedures; see also California Education Code, §10602. A recent California case, Ingram v. Oakland Unified School District (Cal. Sup. Ct. Alameda County No. 378351, 1968), involved a challenge, eventually settled in favor of the pupil, to the Board's use of a Code provision similar to ours to exempt misbehavior problems. Brief on file with Neighborhood Legal Services office.

The first part of the document is a letter from the President of the United States to the Congress.

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Moreover, our examination of the Board of Education's printed Rules does not disclose any procedures for suspending or expelling children of compulsory school age. Chapter III, Section 4 of the Rules say that the appropriate Assistant Superintendents must approve or disapprove in writing every dismissal of a pupil from a junior or senior high school. Chapter XIII, Section 11 says that habitually truant pupils or those who cannot be controlled by regular school discipline may be transferred to a special class or school. Section 18 states that the following are sufficient cause for suspension or exclusion in cases to which the Compulsory Attendance Act does not apply (immoral conduct, indecent language, violent opposition to authority, persistent disobedience or disorderly behavior, habitual tardiness, unauthorized absence, poor personal hygiene, continuing academic failure). Such suspensions must be approved by the Assistant Superintendent and reported to the Superintendent. There are no comparable provisions in the Rules affecting suspensions of pupils under 16.<sup>3/</sup>

Under the Code the Board shall determine "all questions of general policy relating to the schools," and we believe the area of suspensions and expulsions must come within that category,

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<sup>3/</sup>Although there is nothing further in the Official Regulations of the Board, a Superintendent's Circular No. 258, dated April 25, 1963 makes reference to Board of Education approval of indefinite suspensions. We were not able to locate any earlier Board statement to that effect. A memorandum of August 19, 1966, from the Assistant Superintendent for Junior-Senior High School Principals, however, deals only with temporary (3-day) suspensions.

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if indeed they are permissible at all under the Code.

Our talks with school officials have revealed that under existing practices a principal may suspend a student for three days for misconduct. During that time the school attempts to contact the parent for readmission. At the end of three days, however, if the principal wishes to continue the suspension he must inform the Assistant Superintendent and submit a form "205" asking for a Pupil Personnel investigation of the child and a recommendation for future action. Some school officials have told us that he may continue the suspension until the recommendation is forthcoming from Pupil Personnel (sometimes a matter of months). This interpretation is reflected in the official school publication--"Improving Pupil Behavior--A guide to Action in the Nation's Capitol" (1963), p.<sup>4/</sup>13. Other school officials have told us they do not believe the principal has any authority to continue the suspension beyond three days.<sup>5/</sup> Such suspensions do, in fact, occur, however.

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<sup>4/</sup>"Return to school will depend upon the availability of suitable resources for the placement of the pupil....No pupil under suspension shall be returned to school except upon the written recommendation of the principal who suspended him....Exclusion from school altogether may follow recommendations of the Department of Pupil Personnel Services."

<sup>5/</sup>This view appears reflected in the 1966 Circular, supra, note 3.

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At the present time there is no specified procedure for any kind of hearing before either a temporary or indefinite suspension.<sup>6/</sup> The school principal is suppose to contact the parent and try to arrange a conference during the three-day suspension, but in our experience this does not always happen. If such a conference does occur, there are no rules regarding notice of charges, representation for the student, calling of witnesses or cross-examination, recording the conference or appealing it.<sup>7/</sup> Even more critical, the grounds for suspension or expulsion are not, to our knowledge, laid down in any Board regulation.<sup>8/</sup>

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<sup>6/</sup>A dozen states have suspension and/or expulsion hearings by statute, Cf. California Education Code, §10608.

<sup>7/</sup>There is strong legal support for the proposition that some form of due process hearing is constitutionally necessary before an expulsion or indefinite suspension can be effected as to a pupil governed by the compulsory attendance law. Dixon v. Alabama Board of Education, 294 F.2d 150 (5th Cir.) (cert. den.) 368 U.S. 930 (1961).

"Whenever a governmental body acts so as to injure an individual, the Constitution requires that the act be consonant with due process of law. What constitutes due process would depend on the circumstances and the interests of the parties involved."

According to Dixon, there must be a notice containing the specific charges and grounds for suspension or expulsion; an opportunity for the student to present his defense by oral testimony or written affidavits - he must be given names of witnesses against him and access to any report of the hearing. The hearing cannot be merely an "informal interview." The fair hearing doctrine has been applied to secondary school students. Woods v. Wright, 334 F.2d 369 (5th Cir. 1964).

Other relevant cases laying down standards for hearings on school suspension or expulsions include:



To compound the problem, the organization of the school system appears administratively at odds with the ideal of prompt return of the suspended student/<sup>to</sup> the school system or at least some kind of instruction as required by law. Although the Assistant Superintendent's Office insists that a longer than three-day suspension must be accompanied by a request for Pupil Personnel investigation, other school officials tell us that those applications, "205s", are not always submitted promptly by the principals involved.<sup>9/</sup> Officials in the Pupil Personnel

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7/(continued) - Wright v. Texas Southern Univ., 277 F.Supp. 110 (S.D. Texas). Aff'd 392 F.2d 728 (5th Cir. 1963); Wasson v. Trowbridge, 382 F.2d 807 (2d Cir. 1967); Dunmar v. Alles, 348 F.2d 51 (D.C. Cir. 1965); Buttny v. Smiley, 281 F.Supp. 280 (D. Colo. 1968); Jones v. State Bd. of Educ., 279 F.Supp. 190 (M.D. Tenn. 1968); Zanders v. La. State Bd. of Educ., 281 F.Supp. 747 (W.D. La. 1968); Esteban v. Central Missouri State College, 277 F.Supp. 649 (W.D. Mo. 1967); Soglin v. Kauffman, 67-6-141 (W.D. Wis., Dec. 11, 1967); Due v. Florida A. & M. Univ., 233 F.Supp. 396 (N.D. Fla. 1963); Knight v. State Bd. of Educ., 200 F.Supp. 174 (M.D. Tenn. 1961); Goldwyn v. Allen, 281 N.Y.S. 2d 899 (S. Ct. 1967); Woody v. Burns, 138 So. 2d 56 (Fla. Ct. App. 1966).

8/The complex standards which must guide a Board of Education in making legitimate regulations governing the conduct of students and hence the grounds for suspension or expulsion are discussed at length in Goldstein, The Scope and Sources of School Board Authority to Regulate Student Conduct and Status, 117 U. Pa. L.R. 373 (1969).

9/The 1967-1968 Report of the Pupil Personnel Department, p.2, says that "the major enforcement problem continues to be unreported informal disciplinary suspensions and exclusions from school not authorized by the assistant superintendent concerned and with no written notice to the partnes." The Report goes on to say that in 230 cases of unauthorized absences reported to the Pupil Attendance section the child turned out to have been suspended, yet in only 26 had Pupil Personnel been notified.





Department say that not only is this delay in forwarding the "205" a serious problem but that they would prefer that the principals call on them before any suspension at all to see if Pupil Personnel "crisis adjusters" could settle the incident so that no suspension would be necessary at all. The Assistant Superintendent for Junior-Senior High School's Office, on the other hand, emphasizes the delay in getting children back to school because of the backlog of Pupil Personnel investigations and the length of time (up to two months), it/<sup>may</sup>take to get one completed. Pupil Personnel says that there is no reason why the child must be out of school during this investigation period in the vast majority of cases; some "interim adjustment" could and should be made. Other school officials say that Pupil Personnel may and should make recommendations for interim return to school in appropriate cases as soon as they receive a "205". The Office of Special Education which handles placement in social adjustment classes or twilight and other special schools as well as home instructions says that it cannot act until a recommendation for special placement is forthcoming from Pupil Personnel. The result of this administrative fragmentation is that individual school principals, in fact, often determine the dismissal and readmission of the child over substantial periods of time before action is taken at higher levels.



We urge this Board as elected representatives of the citizens of the District to consider the problem of school suspensions and expulsions as one of the highest priority. The right of a school-age child to get an education is one of his most basic and constitutional rights. The Supreme Court in Brown v. Board of Education, 347 U.S. 483, 493 (1954) reiterated this:

"Today, education is perhaps the most important function of state and local governments. Compulsory school attendance laws and the great expenditures for education both demonstrate our recognition of the importance of education to our democratic society. It is required in the performance of our most basic public responsibilities, even service in the armed forces. It is the very foundation of good citizenship. Today it is a principal instrument in awakening the child to cultural values, in preparing him for later professional training, and in helping him to adjust normally to his environment. In these days, it is doubtful that any child may reasonably be expected to succeed in life if he is denied the opportunity of an education." 347 U.S. at 493.

We are asking this Board to review present authority and practice in the area of suspensions and expulsions of compulsory school-age children. In so doing, it should call upon the citizens in its constituency--parents and children--to contribute their experience with how the present suspension procedures operate in open hearings. Then it can formulate a fair and equitable set of rules within the boundaries allowed by law for dealing with school behavior problems. Legislation may well be necessary to authorize any lengthy or open-ended suspensions or expulsions.

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Any such proposals should be carefully scrutinized for their fairness to pupils who may be permanently stigmatized and handicapped by casual procedures. We would suggest to the Board serious consideration of the following principles to guide its re-evaluation of this area

- A) No suspension should be allowed for longer than three days without a hearing of some kind in which the child and parents are told of specific charges and allowed to produce witnesses or evidence in their behalf; to know the witnesses against them and to be represented by counsel or a lay spokesman.
- B) Before any suspension (even three days) takes place, the principal should first be required to call upon the crisis team of the Pupil Personnel Department to attempt an adjustment which will make suspension unnecessary.
- C) No more than two three-day suspensions (and not consecutively) should be allowed in any one semester without a Pupil Personnel investigation.
- D) There should be an appeal from a suspension of more than three days to the assistant superintendent with opportunity for the parent or pupil's spokesman to appear before such official and to see the record presented by school principal. Where such record includes incidents involved in prior suspensions or disciplinary actions where no hearing has been held, the child or parent should be allowed to present any evidence to refute such prior facts. <sup>10/</sup>

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<sup>10/</sup>Our lawyers have encountered cases where such vague and anecdotal allegations as "the boys all waited for her after school" were cited as evidence of general loose morals justifying suspension after a later incident.



- E) When a suspension of more than three days is effected after a hearing, the child should be guaranteed some form of compensatory education. This may be in a special class, a special school, or even home instruction. But he must not be allowed to lose all continuity with his education.<sup>11/</sup> In the event instruction in another school is arranged, the child should be provided with transportation or bus fare.
- F) Grounds which justify suspension should be laid down by the Board, not left to the individual discretion of school personnel. Since the D. C. Code requires that the Board itself specify valid excuses for daily absences, it should certainly be required that the Board specify valid grounds for more lengthy absences due to suspensions as well. Student conduct regulations in each school where violation would give rise to suspensions should be fully and clearly formulated, published and made available to students and pupils.
- G) The Board should carefully review the present accommodations for behavior problems who are not returned to their regular classes. The resources at present include transfer to another school, social adjustment classes; twilight schools; visiting instruction, tuition in private schools. The forthcoming budget for F. 1970, we understand, includes provision for crisis resource teachers in the schools to handle on-the-spot problems as well as centrally located teachers for this behavioral-problem group. We are told, however, there are now large numbers awaiting entrance into social adjustment classes; the private schools seldom have openings for this group; visiting

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<sup>11/</sup>As of now the Office of Special Education who controls special school resources for this group of children does not come into the picture until after a Pupil Personnel investigation and recommendation. The suspended child is also marked absent and, in our experience, provision is not usually made for his keeping up with his school work. See Cal. Education Code, Sec. 10607.5 (20-day limit on duration of suspension without compensatory instruction); N.Y. Education Law, §3214 (6)(b).





instruction is primarily for the physically handicapped; and the twilight schools may be difficult to reach for many pupils since no bus fare is given out of the home school district. The Board should receive a precise evaluation of the success of these differing special resources as well as the numbers who must be accommodated in them.

- H) The Board should request (and make available to the public) the number of suspensions for each quarter in each school; the length of the suspensions, and the disposition, the ages, grades and reasons for such suspensions. We have been informed that some inner-city schools have next to none and in others the practice is frequent.<sup>12/</sup>

2. Chapter XIII, Section 21(7) of the Board's Rules extend the disciplinary jurisdiction of the school to "coming to and going from" school. This ground needs to be clarified so as to relate to activities which directly affect school affairs or the well-being of pupils. For instance, store proprietors accusing pupils of petty thievery, loitering, etc., will often bring their complaints to school authorities. These may involve factual disputes which, if taken to the police, would require a trial on the facts. Yet they may be handled summarily by school authorities and discipline meted out or notations made on the child's record. The school's power to discipline should be closely limited to school-connected incidents.<sup>13/</sup>

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<sup>12/</sup>The substance of these recommendations is in accord with those proposed by New York City's <sup>Citizens</sup> Committee for Children in conjunction with 14 local organizations interested in school problems. This material is on file with the Neighborhood Legal Services Program Office.

<sup>13/</sup>ACLU, Academic Freedom, p. 15; see also 79 C.J.S. Sec. 496; discussion in Goldstein, note 8, supra.

1990-1991

1. The first step is to identify the problem or question that needs to be answered. This involves understanding the context and the specific requirements of the task.

THE UNIVERSITY OF CHICAGO

3. Finally, the relationship of the school to law enforcement functions is an area in need of Board of Education clarification. Section 25, Chapter XIII of the Rules now requires only that principals co-operate with officers of the law in the investigation of pupils suspected of violations of the law. But the official publication - "Improving Pupil Behavior" - goes beyond this and on p. 22 recites that a pupil may be remanded to the police not only if he is suspected of a crime but "whenever a pupil has been a witness to a crime, or the police have reason to believe the pupil may have knowledge of a crime." The Juvenile Court Act., on the other hand, 16 D. C. Code 2306, permits the police to take a child into custody only if he "is found violating any law or...ordinance or is reasonably believed to be a fugitive from his parents or from justice, or whose surroundings are such as to endanger his health, morals, or safety unless immediate action is taken." There is no provision for taking juvenile witnesses into police custody.<sup>14/</sup> Consequently, for the school to hand over custody of a pupil in circumstances under which the police could not take custody outside of school is a rule of very doubtful legality or wisdom.

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<sup>14/</sup>Cf. ACLU, Academic Freedom in the Secondary Schools, p.19:  
"If a student is to be questioned by the police, it is the responsibility of the school administration to see that it takes place privately in the office of a school official in the presence of the principal or his representative. Every opportunity should be made to give a parent the opportunity to be present. All procedural safeguards prescribed by law must be strictly observed.  
(cont'd)







4. We believe that the Board should also take a hard look at the truancy problem in the District schools. Again, we have had complaints that parents often do not know themselves that their children are absent. D. C. Code 31-206 requires every school to report monthly on all unexplained absences of two or more days. According to the Pupil Personnel Report for 1967-1968 there were 23,000 investigations of absences during the year; 7,185 were found to be truancies. (109 were referred for court action.) A study conducted by/<sup>a</sup>George Washington University Sociologist showed that the court referrals came after periods ranging from 38 to 130 days of unauthorized absence.<sup>15/</sup> The social investigations and conferences which traditionally follow a form "57" - Request for Truancy Investigation - does ~~not~~ appear to be successful in keeping truancy rates down. The youngsters apparently know that now there is little liklihood of prompt or decisive action compelling them to go back to school. Juvenile Court

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14/(cont'd) - When the interrogation takes place at school, as elsewhere, the student is entitled 'to be advised of his rights, which should include the right to counsel and the right to remain silent.'"

15/Data collected by J. Tropea, Dept. of Sociology, George Washington University.

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authorities, police and Legal Aid lawyers agree that there are significant numbers of children picked up for law violations during the hours they should be in school, often with long periods of truancy behind them.<sup>16/</sup>

We urge the Board to explore new and more effective ways of meeting the mounting truancy problem.<sup>17/</sup> A project operating out of George Washington University under Professor Joseph Tropea and financed by the Office of Law Enforcement, Department of Justice is developing a plan to use lay people

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<sup>16/</sup>A check of the juvenile caseload of a single Legal Aid attorney in Juvenile Court showed 13 cases of children below 16 wanted for other offenses but involving chronic truant records or disciplinary suspensions. Examples: #1 - 14-year old accused of robbery at 9:30 a.m. while truant from school; two other prior offenses while truant; #2 - 15-year old who attended school only 15 days between December 9 and January 17; #3 - 14-year old girl accused of illegal entry into her old school because she did not like the one to which she had been involuntarily transferred; #4 - 13-year old boy accused of robbery who had not gone to school "regularly"; #5 - 15-year old boy accused of purse snatching had been absent 16 days at time of offense; #6 - 14-year old accused of housebreaking who "cut classes all the time"; #7 - 13-year old accused of yoke robbery while truant; #8 - 15-year old accused burglar absent 33 days this term; #10 - 15-year old UUV-accused child hasn't been in school regularly for a year; #11 - 16-year old boy accused of purse snatching who attends "twilight school" picked up during day; #12 - 13-year old robbery defendant had been suspended two days for fighting; #13 - 15-year old accused burglar committed alleged crime at 1:00 p.m., had been expelled from school for stealing milk; #14 - 14-year old girl "doesn't go to school," accused of illegally entering school at night; #15 - 13-year old boy accused of robbery, put out of four schools although teachers say he does "beautiful work."

<sup>17/</sup>See, e.g., Washington Post, Feb. 13, 1969, p.f-4 (400 students absent on an average day in one high school). Professor Tropea's figures indicate the rate of truancies has been rising disproportionately in the increase in pupils over the last several years.





in the community to locate and return to school truants on an immediate day-to-day basis. Many of the parents with whom we have contact are asking to be called the same day about their children and to, themselves, assist in immediate checkups on other children. (Apparently, it is now up to each school whether to call the parent about unexplained absences.) Out of 23,000 truancy investigations in 1967-1968, only 349 parent conferences are listed in the Pupil Personnel Report. Delayed action on truancy does harm to the pupil as well as the community; it disrupts the continuity of his involvement in school; prejudices him in his contacts with other legal agencies such as the police or juvenile court; instills in him a belief that the school does not really care whether he comes or not. The first step toward alleviating the situation is to devise effective and immediate ways to return the truant children to school quickly. The underlying causes of the truancy can then be studied and remedied.

As the first elected Board in the District of Columbia these issues of fundamental importance to the integrity of students and to their respect for the school system and its administrators merit a review and clarification at the highest policy level which up to this time they have never had.

PW:rh

the fact that the majority of the students of the  
university are of the opinion that the university is  
not doing enough to help the students who are  
in financial difficulty.

It is the opinion of the majority of the students  
that the university should do more to help the  
students who are in financial difficulty. They  
think that the university should have a system  
of loans for the students who are in financial  
difficulty.

They also think that the university should have  
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PUBLIC SCHOOLS OF THE DISTRICT OF COLUMBIA  
Central Administration Building  
415 12th Street, Northwest  
Washington, D. C. 20004

Superintendent's Circular No. 278  
February 12, 1969

TO ALL SCHOOL OFFICERS:

RE: SUSPENSIONS

In order to make practices uniform when it becomes necessary to suspend a pupil for disciplinary or other reasons, principals are requested to observe the points indicated below. This is a tentative statement pending more substantive study of the problem. Everyone realizes that it is a very serious matter to suspend a child from school and that this should be attempted only after every reasonable effort is made with the parent or guardian to bring about a better standard of conduct on the part of the pupil concerned. Should this fail, the following steps must be taken when a pupil is suspended:

1. The principal will telephone the Office of the Assistant Superintendent concerned for approval of immediate suspension, followed by a written report (in quadruplicate) to the Superintendent through the Assistant Superintendent.
2. The principal will notify the parent by telephone immediately. This notice is to be followed by a letter to the parent on the day of suspension giving the reasons for suspension and the conditions under which readmission may be made.
3. Upon receipt of the principal's report in writing, if the Assistant Superintendent concerned approves the suspension, he will so notify the Superintendent in writing, of the action of his office.
4. A copy of the written report sent to the Superintendent through the Assistant Superintendent should be sent to the Department of Pupil Personnel Services by the Principal of the school. The report should document the reasons for suspension, cite attempts on the part of the school to resolve the problems, and contain all other anecdotal data of pertinence as well as the date of suspension.
5. If the conduct of the pupil is such that it would seem wise to call the Police Department, the principal should first confer with the Assistant Superintendent concerned unless the safety of others is at stake.

6. No pupil should be sent home during schools hours who can be retained in a controlled school setting.
7. No pupil should be sent home at any time unless his parent, guardian, or a responsible adult in the home has been reached by telephone and informed that the child is being sent home. Letter of confirmation should be mailed to parent. In cases where an adult is not reached, the child should be kept in school building until 3:00 o'clock and written notice sent by mail to discuss pupil's problem. Unless pupil's behavior warrants the authorized suspension procedure, he should be admitted to school the following day.
8. Further guidelines may be found in the publication, Improving Pupil Behavior, 1968 Reprint, with special reference to page 13 of that booklet.

Principals and their staffs should become thoroughly familiar with this procedure and follow it meticulously in all suspension cases.

Very sincerely yours,

WILLIAM R. MANNING

Superintendent of Schools



# IMPROVING PUPIL BEHAVIOR



A GUIDE TO ACTION  
IN THE NATION'S CAPITAL

Public Schools of the District of Columbia



PUBLIC SCHOOLS OF THE DISTRICT OF COLUMBIA

William R. Manning, Superintendent

# IMPROVING PUPIL BEHAVIOR

A GUIDE TO ACTION

IN THE NATION'S CAPITAL

LuVerne C. Walker, Director of Curriculum

Washington, D. C.

1968 Reprint





## FOREWORD

The child born into the world enters both the promises and responsibilities of the human race through the process of education. Adequate individual behavior in the context of a democratic unity is developed through learning the "rules of the game" of our democratic society.

Behavior adequate to living together and producing a democratic cohesiveness becomes so through the efforts of many: parents, peers, people in the community, the school and other social institutions. The process then should be cooperative and team-like. This is the theme running through the bulletin *Improving Pupil Behavior* with the principal, teacher, parent and pupil providing the particular focus.

This bulletin should prove helpful as it articulates the team approach in improving pupil behavior. For its preparation we are indebted to the Curriculum Department in general and the steering and production committees in particular.

WILLIAM R. MANNING  
Superintendent of Schools  
Washington, D. C.

February 28, 1968



## CONTENTS

### Foreword

Page

#### DISCIPLINED BEHAVIOR

##### — HOW TO ACHIEVE IT —

WHAT to do

WHEN learning is the  
goal

The Team Approach ..... 1

A Constructive Program  
for Learning ..... 7

Community Support ..... 8

#### UNDISCIPLINED BEHAVIOR

##### — HOW TO HANDLE IT —

WHEN it happens

WHAT to do

A Chart to Guide Action .....10

A Definition of Official  
Policy .....12

Coordinated Remedial  
Action .....24

Members and Officials of the Board of Education  
Steering and Production Committees

**DISCIPLINED BEHAVIOR**

**— HOW TO ACHIEVE IT —**

**WHAT to do**

**WHEN learning is the goal**



## THE TEAM APPROACH

PRINCIPAL

TEACHER

PUPIL

PARENT

Disciplined behavior is most likely to occur  
when each member of the school  
understands his part and  
practices it skillfully.

### EACH TEAM MEMBER PERFORMS A VITAL ROLE IN SCHOOL DISCIPLINE

Counselor

Assistant  
Principal

School Nurse

School Doctor

Social Worker

Psychologist

Psychiatrist

Other school staff members  
and personnel  
provide specialized skills  
essential to  
the success of the program.

THE BEST DISCIPLINE RESULTS  
WHEN ALL MEMBERS OF THE TEAM  
WORK TOGETHER

The PRINCIPAL member of the team

is the responsible administrative head of the school who has authority over teachers, pupils, and all employees in the school and

develops and maintains a wholesome climate of learning and discipline within the building.

The effective principal

organizes a coordinated master schedule which delineates the duties of all personnel.

develops with his staff school policies and codes for maintaining and improving building discipline.

develops sound lines of communication between the school and the community.

supports faculty members in disciplinary action.

utilizes student organizations, assembly programs, and conferences to maintain higher standards of behavior.

coordinates educational opportunities and activities to develop knowledge, understanding, and respect for the law.

cooperates fully with the police.

takes final responsibility for the effective functioning of the school team in maintaining discipline.

The TEACHER member of the team

is fully responsible for discipline in the classroom and  
uses this authority wherever contacts are made with pupils.

The effective teacher

believes that orderly behavior is basic to learning.

arranges class seating to minimize the irritable behavior  
which frequently results from proximity.

considers other physical features of the classroom.

For example: lighting; easy readability of blackboard  
writing.

sets up and maintains standards of conduct.

teaches the meaning of respect.

maintains desirable classroom routines.

provides adequate supervision of pupils.

is alert to situations which may cause trouble, and takes  
action before a problem develops.

informs the principal of potentially-serious behavior  
problems.

The PUPIL member of the team

sees disciplined behavior as essential *to* and *for* learning,  
feels responsible for his own conduct and  
does his part to maintain an orderly school.

The responsible pupil

attends school regularly and punctually.  
comes to school neat, clean, and appropriately dressed.  
knows, understands, and follows all rules and regulations  
of his school.  
maintains a businesslike attitude toward school work.  
realizes that conduct detrimental to the general welfare is  
not tolerated.  
reports problems to the teacher or principal promptly and  
accurately.  
reports facts to parents promptly and with accuracy.



The PARENT member of the team

prepares the child for entering school as a pupil and  
exerts a continuing interest in the scholastic achievement  
and conduct of the child as he goes through school.

The responsible parent

provides for health needs, including adequate food, sleep  
and activity, and suitable clothing and shelter.

provides conditions for home study.

sends pupil to school regularly and on time.

forwards written excuse promptly for all absence and  
tardiness.

makes himself available to the school for conference or  
consultation when necessary.

cooperates in furnishing accurate information concerning  
the child when requested.

maintains standards of home behavior compatible with  
standards of school behavior.

effects appropriate punishment when indicated.

avoids setting unrealistic goals and demanding impossible  
achievement.

## OTHER MEMBERS of the team

Counselor	counsels individuals and groups. confers with teachers, parents, and agencies. coordinates the testing program, and study of problem pupils.
Assistant Principal	assists the principal. acts in authority in principal's absence.
School Nurse	advises with pupils. makes appointments with clinics and social agencies. visits parents for home conferences.
School Doctor	makes a thorough physical study of pupils with problem behavior. confers with all team members. uses influence to get quick action from community agencies.
Social Worker	works directly with the problem pupil and his family outside of school. reports information, when officially requested, on social and economic conditions in the home. participates in special case studies.
Psychologist	analyzes the mental and social behavior of referrals through tests and conferences. reports findings to teacher, principal, counselor. confers with parents following an individual study. uses influence to procure immediate action on recommendations.
Psychiatrist	makes a more detailed study of special case referrals. works with the individual to effect a change in behavior. confers with other school team members. uses influence to achieve recommended action.

## A CONSTRUCTIVE PROGRAM FOR LEARNING

— provides limits  
within which  
children can  
intelligently operate.

— is set in a wholesome climate.

routines  
seating  
rules  
standards  
procedures  
planning  
evaluation  
supervision

— provides interest and challenge.

content  
skills  
goals

— utilizes a variety of techniques.

speaking  
writing  
listening

— makes use of the pupil personnel record.

grouping  
placement

— takes steps to search out causes of problem  
behavior.

referral  
conference

— makes provision for participation.

home  
school  
community

and — accepts the offer of \_\_\_\_\_

## COMMUNITY SUPPORT

	Boys' Club of Metropolitan Police, D. C.
	Child Welfare Division, D. C. Department of Public Welfare
	Children's Center, D. C. Department of Public Welfare
	Commissioners' Youth Council
	Family and Child Services of Washington, D. C.
	Junior Police and Citizens Corps
	Juvenile Court of the District of Columbia
	Mental Health Association, D. C.
PUBLIC	Mental Health Division, D. C. Department of Public Health.
and	Neighborhood, Settlement, and Community Houses
PRIVATE	Recreation Department, D. C.
AGENCIES	Recreational Clubs and Agencies Serving Youth
	Social Welfare Programs sponsored by :
	Catholic Charities of D. C.
	Washington Federation of Churches
	Jewish Social Service Agency and Jewish Foster Home
	Youth Aid Division, Metropolitan Police Department

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For complete annotated listings see

DIRECTORY — Where to Turn for Health, Welfare, and  
Recreation Services

UNITED COMMUNITY SERVICES



UNDISCIPLINED BEHAVIOR

— HOW TO HANDLE IT —

WHEN it happens

WHAT to do

AT THE TIME undisciplined behavior occurs

— the teacher has three primary responsibilities:

to insure the protection of the  
group

to maintain a learning situation

to institute procedures designed  
or suggested to correct the  
behavior and its causes.

A CHART TO GUIDE ACTION

**OFFICIAL POLICY** regarding undisciplined behavior

**Reasonable force** may be used by the teacher.

Reasonable force will include that degree of force which a reasonable person would deem necessary to employ to correct an emergency situation. When required, reasonable force may include such actions as taking a pupil by the arm or coat lapel to propel him in a desired direction after pointed opposition to authority, or direct disobedience.

**Isolation** from the group is necessary at times.

- a seat in the room apart from the group
- temporary placement in another classroom
- retirement to the counselor's office, the school health room, or the principal's office, when there is no better placement
- remaining at home under supervision for a designated period of time

**Suspension and exclusion** are a last resort.

The school principal is authorized to suspend pupils summarily for emergency reasons, including willful disobedience, disrespect of authority, physical or moral assaults.

The principal, of course, will exercise care for the safety of the suspended pupil and will advise the parent or guardian of the action taken.

Return to school will depend upon the availability of suitable resources for the placement of the pupil. The parent will be invited to confer concerning the pupil's misbehavior and possible return to school.

The principal shall immediately refer the case to the Department of Pupil Personnel Services for study and recommendation. No pupil under suspension shall be returned to school except upon the written recommendation of the principal who suspended him.

Exclusion from school altogether may follow recommendations of the Department of Pupil Personnel Services.

Public Schools of the District of Columbia

**DEAR PARENT:**

Welcome to the school team!

As the parent member of the school team, you can help your child's school to be an orderly and safe place for him to learn.

School discipline begins in the home. Teachers want your support in maintaining order and safe living in the school. In turn, you want your child's teachers to work with you. The school and home thus become partners in the education of your child.

This folder tells what is expected of all team members in school discipline. Read it and talk about it. Do everything you can to help us help your child.

Sincerely yours,

WILLIAM R. MANNING  
Superintendent of Schools  
Washington, D. C.

The best discipline results when . . . . . school and home work together as a team.

The school seeks the help of the parent.  The home seeks the help of principal and teacher.

✓ Through conferences, by appointment

✓ Through group meetings

✓ Through the Parent-Teacher Association or Home and School Organizations

### The Principal

is the responsible administrative head of the school who develops and maintains a wholesome climate for learning and discipline within the building.

### The Teacher

is fully responsible for discipline within the classroom and cooperates in maintaining the orderly behavior of all pupils.

### The Pupil

comes to school every day, and on time.  
comes to school neat, clean, and suitably dressed.  
knows, understands, and follows all rules and regulations of his school.  
has a businesslike attitude toward school work.  
realizes that conduct harmful to others is not allowed.  
brings problems immediately to the attention of the teacher or principal.  
cares for his own property and that of others.  
shows consideration for his teachers and fellow students.

### The Parent

provides for health needs, including adequate food, sleep and activity, and suitable clothing and shelter.  
makes it possible for the child to study at home.  
sends pupil to school regularly and on time.  
sends in a written excuse promptly for all absence and tardiness.  
furnishes accurate information concerning the child when asked.  
helps his child to be well-behaved.  
cooperates with the school in handling problem behavior.  
supports the child in developing his talents, but avoids demanding impossible achievement.

### Other Members of the Team

counsel, assist, advise, confer and deal closely with the pupil and his family:

- |                              |                 |
|------------------------------|-----------------|
| • Counselor                  | • School Nurse  |
| • Assistant Principal        | • School Doctor |
| • Social Worker              | • Psychologist  |
| • Reading and Speech Experts | • Psychiatrist  |



# A CHART TO GUIDE ACTION

ALL PUPILS MAY SHOW UNDISCIPLINED BEHAVIOR AT ONE TIME OR ANOTHER — THE DEGREE TO WHICH THE BEHAVIOR OCCURS WILL GIVE DIRECTION TO THE COURSE OF DISCIPLINARY ACTION FOLLOWED

Examples of— Undisciplined Behavior	Degree of Occurrence	Teacher Action	Principal Action	Parent Action	Follow-Up
CARELESS PERSONAL CLEANLINESS	_____ persistent lack	Disapprove. Isolate. Consult with parent. Refer to school counselor; nurse; health teacher. Follow building procedure for denying pupil admission to class.	Deny attendance in school: Phone parent. Send letter to parent.	Reply to principal. Correct condition. Request re-admission	Re-admit pupil, accompanied by parent. Offer positive reinforcement to pupil: interest in his welfare. Send a periodic report form to parent: D2. <b>Special Progress Report.</b> or D3. <b>Special Progress Report.</b>
BIZARRE APPEARANCE OR DRESS	_____ refusal to change	Reprimand. Refer to school nurse; counselor; health teacher. Follow building procedure for denying pupil admission to class.	Confer with parent. Deny attendance in school: Phone parent. Send letter to parent.	Correct condition. Reply to principal. Correct condition. Request re-admission.	Observe for recurrence. or Re-admit pupil, accompanied by parent. Offer positive reinforcement to pupil: interest in his welfare. Send periodic report form to parent: D3. <b>Special Progress Report.</b> or D2. <b>Special Progress Report.</b>
PATTERNS OF ABSENCE TARDINESS CLASS SKIPPING	_____ habitual	Refer to Department of School Attendance: Form #57 Consult with parent. Refer to counselor; school doctor; nurse for a "team" study, including school attendance officer. Contact principal by letter followed by conference.	File duplicate form #57 in office for quick reference. Share responsibility with teacher for parent conference. File duplicate referral form D1. <b>Report on Behavior Problem.</b> Consult with parent regarding referral recommendations.	Cooperate with attendance officer and Cooperate with school in: Further study. Support of recommendations.	Follow regular procedures in Department of School Attendance. Communicate with pupil-school at the time findings are ready. Confer regularly with parent during the designated corrective period.
TRUANCY	_____ first evidence				
ACTS OF  FALSIFYING  CHEATING  STEALING	_____ recurrent	Select supporting evidence; organize data. Isolate at appropriate times. Discuss facts in conference with parent. Refer to counselor for individual case study. Present case to principal: D1. <b>Report on Behavior Problem.</b>	Study case record. Talk with teacher, pupil, counselor, others implicated. Request parent to confer; set time and day.	Reply promptly to request for a conference. Give ALL data bearing on a solution to the case. Cooperate with school authorities when negotiations with school resource personnel and community agencies are found to be necessary.	Initiate and pursue steps to mutually-agreed-upon recommendations with dispatch. Schedule regular conference periods: pupil-counselor teacher-counselor counselor-parent or a combination of these.
DELIBERATE DISRUPTION OF CLASSROOM ACTIVITIES: "SHOWING OFF"; DEMANDING CONSTANT ATTENTION INCESSANT UNNECESSARY TALKING CONTINUAL INTERRUPTIONS UNAUTHORIZED LEAVE OF CLASSROOM TRIPPING; SHOVING; MALICIOUS TEASING; PRANKS	_____ constant	Disapprove. Request conference with parent; set day and time. Collect evidence to use in conference: anecdotal record; paper work; incidents. Inform parent of possibility of: isolation or denial of admission to class. Follow building procedure for denying pupil admission to class. Apprise principal of action taken; Forward Form D1. <b>Report on Behavior Problem.</b>	Confer with teacher, and others familiar with case. Talk with pupil; parent. Apprise parent of following action the schools feels necessary. Refer to counselor for school guidance team study. Request teacher to refer pupil to the Dept. of Pupil Personnel Services. Make every effort to expedite recommendations. Follow building procedure for denying pupil admission to building.	Reply promptly to school requests for conferences and written responses. Effect appropriate punishment when indicated. Cooperate with official recommendations regarding placement and remedial help. Show continuing interest.	Readmit pupil accompanied by parent. Keep communication lines open between school and home. Reinforce warning of: isolation suspension Send periodic report form to parent: D2. <b>Special Progress Report.</b> or D3. <b>Special Progress Report.</b>
ACTS OF  ILL-TEMPER  TEMPER TANTRUMS  WITHDRAWAL  DAYDREAMING  PSEUDO-ILLNESS	_____ uncontrolled	Confer with parent. Isolate when necessary. Use reasonable force to control. Consult school guidance counselor. Refer case to Dept. of Pupil Personnel Services for an individual psychological test and recommendations. Follow building procedure for denying pupil admission to class. Inform principal of case: D1. <b>Report on Behavior Problem.</b>	Study report on case. Confer with teacher, counselor, and parent. Take prompt steps to have priority given to a study of the case by the Dept. of Pupil Personnel Services and school doctor. Change class placement temporarily, if necessary. Request parent to move pupil from school premises until further notice.	Confer with teacher, principal, counselor, school doctor, and school psychologist. Take steps to have pupil examined by a private physician or psychiatrist. or Cooperate by keeping appointments school makes with clinics, and other community agencies. Reply promptly to school progress reports Support official recommendations.	Keep lines of communication open between teacher, parent, principal, counselor, special school services and community agencies, until disposition of case is completed. Take emergency action, if necessary: suspend exclude
ATTITUDES OF  INSOLENCE, IMPERTINENCE, SURLINESS EXTREME NEGATIVISM HOSTILITY	_____ repetitive	Schedule parent conference. Use supporting evidence, such as the anecdotal record. Confer with school guidance counselor who may suggest to— Refer the case to the school guidance team for study then— Make contact with the Department of Pupil Personnel Services for individual psychological test, if valid score is not available. Follow building procedure for denying pupil admission to class. Apprise principal on form D1. <b>Report on Behavior Problem.</b>	Confer with teacher and pupil. Warn pupil of possible suspension. Request an immediate conference with parent. Apprise parent of suspension warning. Participate in any study undertaken by the school guidance team. Use power to suspend. Take prompt steps to effect recommendations made by the study group and the Dept. of Pupil Personnel Services.	Reply promptly to request for a conference. Effect appropriate punishment when indicated. Furnish ALL data pertinent to the cause of behavior. Cooperate with school in: Further study. Support of official recommendations. Follow-up.	Readmit pupil accompanied by parent. Keep lines of communication open between teacher, parent, special school services and/or community agencies, until disposition of case has been completed. Carry out official recommendations. Send periodic report form to parent: D2. <b>Special Progress Report.</b> or D3. <b>Special Progress Report.</b>
ACTS OF  DEFIANCE TO AUTHORITY  BULLYING; THREATENING; CRUELTY; EXTORTION  ASSAULT  UNWHOLESOME SEX ACTIVITIES  VANDALISM	_____ first evidence	Notify principal immediately upon seeing or learning of acts. Use "reasonable force" in an emergency situation. Isolate from the group until further action can be taken. Follow building procedure for denying pupil admission to class. Fill out referral form D1. <b>Report on Behavior Problem.</b> Forward immediately to principal. Collect any facts available at the time (or later); place in envelope, seal, and deliver in person to the principal's office promptly.	Arrange an immediate conference with parents. or Call the Youth Aid Division, Metropolitan Police Department and/or the local precinct for assistance. Use power to suspend. Contact parent at home, or place of employment, informing him of decision to suspend. Advise parent of conditions under which pupil may return to school. Request parent to confer. Notify assistant superintendent concerned. Refer case to Department of Pupil Personnel Services for study and recommendations immediately.	Confer and consult with principal. Cooperate by furnishing accurate information when requested. Effect appropriate punishment when indicated. Encourage pupil respect for the law and law enforcement officers through precept and example. Cooperate with school authorities in carrying out recommendations involving change in placement; other action.	Use power to suspend. Keep informed of progress being made through contacts with home; social worker; school attendance officer; Department of Pupil Personnel Services. Keep in contact with community agency or agencies, aiding pupil behavior, until disposition of case has been decided. Support official recommendations. Send periodic report form to parent: D2. <b>Special Progress Report.</b> or D3. <b>Special Progress Report.</b>
FLAGRANT VIOLATION OF LAW:  SMOKING GAMBLING DRINKING OF ALCOHOLIC BEVERAGES CARRYING WEAPONS HOSTILE GANG ACTIVITIES FOUL OR PROFANE LANGUAGE POSSESSION AND DISTRIBUTION OF OBSCENE LITERATURE DESTRUCTION, DEFACING, WILLFUL MISUSE OF SCHOOL PROPERTY	_____ first evidence	Notify principal immediately upon seeing or learning of violations. and Collect any facts available at the time (or later); place in envelope and seal. and Deliver, in person, to principal's office promptly. Follow building procedure for denying pupil admission to class.	Call Youth Aid Division, Metropolitan Police Department: NA 8-4000, Ext. 395 or Ext. 325 Notify assistant superintendent concerned. and Request violators and/or witnesses to meet in principal's office. and Hold until police arrive. and Call parent on phone, at home or place of employment; request presence during police questioning. and Cooperate with police in official action taken. Suspend or exclude, when necessary.	Make all effort to comply with principal's request to be present during police interrogation. and Cooperate with the police and school. and Obtain help of community agencies immediately with cases of behavior the school is not prepared to handle. and Keep principal informed of progress being made with such agencies, as long as child remains on school rolls.	Keep lines of communication open between school, home, police, and community agencies until disposition of case has been made official. Refer case to counselor for study by the guidance team, in less serious cases. and Keep anecdotal record. and Send periodic report form to parent: D2. <b>Special Progress Report.</b> or D3. <b>Special Progress Report.</b>
LOITERING	_____ first evidence	Approach loiterer; request him to leave the building, and not return. or Approach loiterer; request him to proceed to appointed place in building, if a pupil. Report to the principal immediately when a loitering non-pupil refuses to leave the buildings and grounds. DO NOT MANHANDLE!	Record the time, the date and, if possible, the name(s) of the person(s) ordered to leave the premise. Call the police immediately if the loiterer refuses to leave the grounds. —NO ATTEMPT SHOULD BE MADE TO FORCIBLY EJECT THE INTRUDER— Central Dispatcher—EX. 3-2060 Precinct Captain School Safety Patrol Coordinator "Short Beat" Officer	(In this case, police will handle parent contacts.)	Call the police immediately if loiterer leaves the grounds, but returns to the school property at some future time. The intruder will be picked up, then, and charged by police.

\* For Report Forms D1, D2, D3, refer to the Guide.



## A CHART TO GUIDE ACTION

This chart is for experimental use.

For purposes of revision, suggestions are welcomed from the field in regard to policies and procedures outlined.

# A CHART TO GUIDE ACTION





OFFICIAL POLICIES  
and  
PROCEDURES

## A DEFINITION OF OFFICIAL POLICY

The teacher

may use reasonable force.

Reasonable force will include that degree of force which a reasonable person would deem necessary to employ to correct an emergency situation. When required, "reasonable force" may include such actions as taking a pupil by the arm or coat lapel to propel him in a desired direction after pointed opposition to authority or direct disobedience.

may isolate behavior problems.

Isolation from the group means —

a seat in the room apart from the group.

temporary placement in another classroom.

retirement to the counselor's office, the school health room, or the principal's office when there is no better placement.

remaining at home under supervision for a designated period of time.

The principal

may suspend and exclude.

The school principal is authorized to suspend pupils summarily for emergency reasons, including willful disobedience, disrespect of authority, physical or moral assaults.

The principal will, of course, exercise care for the safety of the suspended pupil and will advise the parent or guardian of the action taken.

Return to school will depend upon the availability of suitable resources for the placement of the pupil. The parent will be invited to confer concerning the pupil's misbehavior and possible return to school.

The principal shall immediately refer the case to the Department of Pupil Personnel Services for study and recommendation. No pupil under suspension shall be returned to school except upon the written recommendation of the principal who suspended him.

Exclusion from school altogether may follow recommendations of the Department of Pupil Personnel Services.

REPORT FORMS for use in cases of undisciplined behavior

Referral of case  
to principal

Form D1. Report on Behavior Problem  
— all school levels —

Special  
progress report  
to parent

Form D2. Special Progress Report  
— elementary schools —

Form D3. Special Progress Report  
— secondary schools —



REFERRAL OF CASE TO PRINCIPAL

Report on Behavior Problem

Date \_\_\_\_\_

Name \_\_\_\_\_ Section \_\_\_\_\_ Section Teacher \_\_\_\_\_

Class \_\_\_\_\_ Classroom Teacher \_\_\_\_\_

C.A. \_\_\_\_\_ M.A. \_\_\_\_\_ I.Q. \_\_\_\_\_ Reading \_\_\_\_\_ Math \_\_\_\_\_ General Work \_\_\_\_\_

Referred to \_\_\_\_\_

Reasons for Referral \_\_\_\_\_

Give specific acts, including dates.  
Attach anecdotal record.

Corrective Measures Taken by Teacher

Recommendations: \_\_\_\_\_

\_\_\_\_\_  
Teacher's Signature

\_\_\_\_\_  
Asst. Principal's Signature

\_\_\_\_\_  
Principal's Signature



PUBLIC SCHOOLS OF THE DISTRICT OF COLUMBIA

SPECIAL PROGRESS REPORT

Special Report for \_\_\_\_\_ Name of School \_\_\_\_\_  
Week of \_\_\_\_\_

Monday	Tuesday	Wednesday	Thursday	Friday
Comment by Teacher	Comment by Teacher	Comment by Teacher	Comment by Teacher	Comment by Teacher
Teacher's Signature	Teacher's Signature	Teacher's Signature	Teacher's Signature	Teacher's Signature
Comment by Parent	Comment by Parent	Comment by Parent	Comment by Parent	Comment by Parent
Parent's Signature	Parent's Signature	Parent's Signature	Parent's Signature	Parent's Signature

### Purpose of Form

This form may be used when it is felt that close cooperation between home and school may result in changed behavior on the part of the pupil.

It is designed for use for a week's period, a longer period if necessary.

### Its Use

Before this form is used, the parent should be informed as to its purpose and be willing to cooperate in its use.

The parent should know that the pupil will bring it home each day for a week, or longer, and that the parent's signature will be required each day.

Each day the teacher writes brief comments concerning the pupil's behavior. The pupil takes the report home for the parent's comment and signature. Promptly the next morning the pupil returns the report to the teacher.



PUBLIC SCHOOLS OF THE DISTRICT OF COLUMBIA

SPECIAL PROGRESS REPORT

\_\_\_\_\_ High School Date \_\_\_\_\_

The following information is furnished concerning

Name _____		Section _____	
Subject	Scholarship Regular scholastic marks, indicating group, may be used	Conduct Indicate whether conduct is satisfactory or unsatisfactory	Attendance Record Give dates for Absence—Tardiness
			Teacher's Signature _____

All statements should be as specific as possible.

The parent may use the reverse side for comment.

Signature of Parent \_\_\_\_\_



## PROCEDURES for COMMUNICATION with the POLICE

### WHEN to call

the police

Whenever a law has been broken, or is suspected of having been broken.

Whenever it can be reasonably assumed that a law is about to be broken.

Whenever there is danger to persons or property.

Whenever there is doubt as to whether a situation requires police action.

### WHOM to call

Youth Aid Division: Juvenile Bureau—when the presumed respondent is a boy.  
NAtional 8-4000 : 395.

Youth Aid Division: Woman's Bureau—when the presumed respondent is a girl.  
NAtional 8-4000 : 325.

### EMERGENCY!

Central Dispatcher — when an emergency requiring immediate action is present.

EXecutive 3-2060 or  
Dial OPERATOR, and say, "I WANT A POLICEMAN".

Precinct Captain  
School Safety Patrol Coordinator  
"Short Beat" Officer — when it  
concerns neighborhood complaints and local problems.

NOTE: The local precinct should be notified well in advance of planned school activities such as games, dances, and PTA meetings.

### WHO SHOULD

### REPORT

The principal, or his representative.

WHEN a pupil  
may be

REMANDED  
to the  
police

Whenever a police officer witnesses an unlawful act, he has the duty to pursue and arrest the offender under any circumstances.

Whenever a police officer is making an arrest, he has the right to remove the pupil from school without the consent of the parent.

Whenever a pupil has been a witness to a crime, or the police have reason to believe the pupil may have knowledge of a crime, the principal, or his representative, may release the pupil to the police.

NOTE: When it is necessary for the police to remove a pupil for questioning, every effort is to be made to inform the parent. If possible, the parent should be present when the police assume custody. This effort, however, must not hinder police action.

When the parent cannot be reached, and the police consider the situation urgent, a school officer should be present at the questioning.

WHAT RECORDS SHOULD  
BE KEPT

All telephone calls to the police.

All incidents in which the police have removed a pupil from school.

THE ASSISTANT SUPERINTENDENT  
CONCERNED MUST BE INFORMED

of all cases in which the police have removed pupils or loiterers from a school building.



## PROCEDURES to be followed in dealing with LOITERERS ON SCHOOL PROPERTY

All non-school people  
(including suspended pupils),  
regardless of age,  
are to be dealt with as  
loiterers  
if  
they are in the  
school building  
or  
on school grounds  
during the school day.

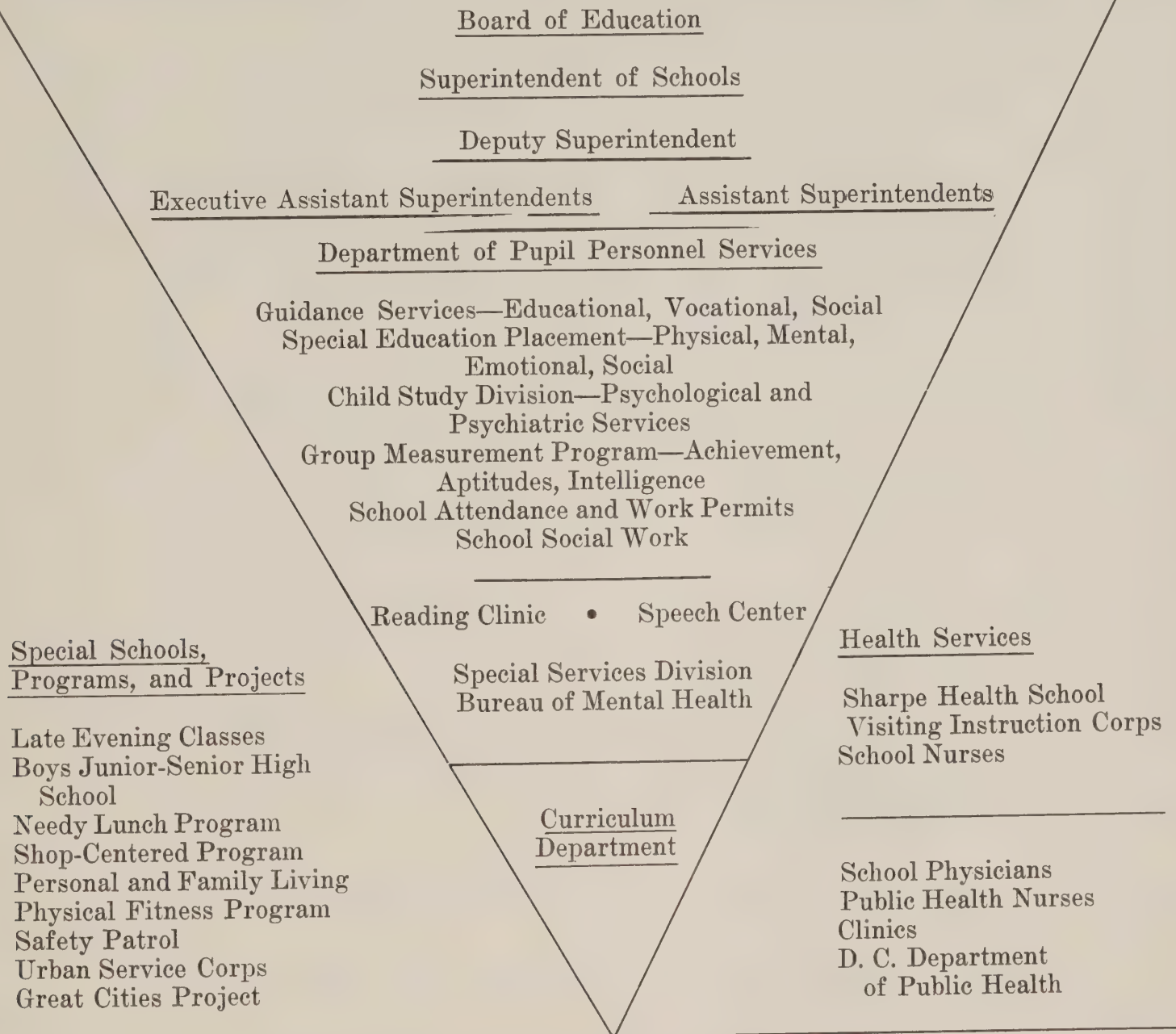
Additional interpretations or policies to clarify material on "PROCEDURES to be followed in dealing with LOITERERS ON SCHOOL PROPERTY," developed on page 23 of *Improving Pupil Behavior*.

1. A "school person" can be any employee of the school system (cafeteria, custodial, engineer, teaching, supervisory or administrative) and not to be construed only as the school principal.
2. The police will apprehend and take into custody those non-school persons under 18 years of age who have been on school property (including those on suspension) and who have been approached, informed that they are breaking the law and have been asked to leave the school grounds.
3. In cases involving non-school loiterers over 18 years of age who have returned to school grounds even after the procedures in steps 1 and 2 of the Guide have been carried out, and who leave the school grounds before being apprehended by the police, a warrant must be made out. Loitering on school property is a misdemeanor and the police cannot arrest an adult for a misdemeanor unless an officer sees him in the act of committing the misdemeanor or a warrant asserting that the individual has committed a misdemeanor has been issued for the arrest of the individual.

## COORDINATED REMEDIAL ACTION

Special Services Programs	<p>To meet the needs of pupils in this large city school system, numerous and diverse special aids are available from many departments and programs. The twenty and more special services and programs in the Public Schools of the District of Columbia are listed on the following chart, indicating the wide range of available aids and, also, the importance of communication and coordination.</p> <p>It is advantageous that most services are coordinated directly, or indirectly, under one department, and that many projects and programs are city-wide in scope.</p> <p>These varied services are best utilized for the benefit of the pupil in a school situation where the teacher, principal, and other members of the school have highly-developed skills of communication and cooperation, and work in a unified way.</p>
Public and Private Agencies	<p>The school, in and of itself, is not adequate to solve the problems of youth. Total community investment of interest and coordination of effort are needed to meet current requirements.</p> <p>The public and private agencies available to District Public Schools are making valuable contributions to the overall program.</p>

## COORDINATED REMEDIAL ACTION



PRINCIPAL — TEACHER — PUPIL — PARENT

Assistant Principal — Counselor — City-Wide Supervisor

THE COORDINATED SCHOOL TEAM FOR REMEDIAL ACTION

The total community continues to work toward —

better lines of communication

improved coordination of the resources available

increasing the scope of these services

Only through an expanded coordinated school and community-wide program can significant progress be made in reducing delinquency and developing responsible young citizens.



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## STEERING AND PRODUCTION COMMITTEES

(1963)

### Project: DISCIPLINE

An Action Program to Build Responsible Behavior

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(1963)

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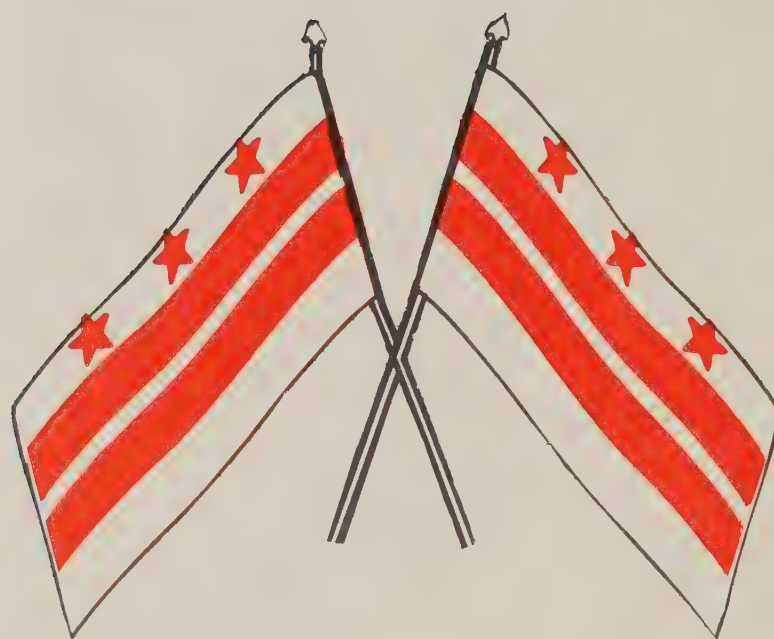
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He Turn to J W Hobson Mr. Hobson

# SUPREME COURT OF THE UNITED STATES

No. 21.—OCTOBER TERM, 1968.

John F. Tinker and Mary Beth Tinker, Minors, etc., et al., Petitioners, v. Des Moines Independent Com- munity School District et al.	}	On Writ of Certiorari to the United States Court of Appeals for the Eighth Circuit.
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[February 24, 1969.]

MR. JUSTICE FORTAS delivered the opinion of the Court.

Petitioner John F. Tinker, 15 years old, and petitioner Christopher Eckhardt, 16 years old, attended high schools in Des Moines. Petitioner Mary Beth Tinker, John's sister, was a 13-year-old student in junior high school.

In December 1965, a group of adults and students in Des Moines, Iowa, held a meeting at the Eckhardt home. The group determined to publicize their objections to the hostilities in Vietnam and their support for a truce by wearing black armbands during the holiday season and by fasting on December 16 and New Year's Eve. Petitioners and their parents had previously engaged in similar activities, and they decided to participate in the program.

The principals of the Des Moines schools became aware of the plan to wear armbands. On December 14, 1965, they met and adopted a policy that any student wearing an armband to school would be asked to remove it, and if he refused he would be suspended until he returned without the armband. Petitioners were aware of the regulation that the school authorities adopted.

On December 16, Mary Beth and Christopher wore black armbands to their schools. John Tinker wore his armband the next day. They were all sent home and suspended from school until they would come back without their armbands. They did not return to school until

## 2 TINKER v. COMMUNITY SCHOOL DISTRICT.

after the planned period for wearing armbands had expired—that is, until after New Year's Day.

This complaint was filed in the United States District Court by petitioners, through their fathers, under § 1983 of Title 42 of the United States Code. It prayed for an injunction restraining the defendant school officials and the defendant members of the board of directors of the school district from disciplining the petitioners, and it sought nominal damages. After an evidentiary hearing the District Court dismissed the complaint. It upheld the constitutionality of the school authorities' action on the ground that it was reasonable in order to prevent disturbance of school discipline. 258 F. Supp. 971 (1966). The court referred to but expressly declined to follow the Fifth Circuit's holding in a similar case that prohibition of the wearing of symbols like the armbands cannot be sustained unless it "materially and substantially interfere[s] with the requirements of appropriate discipline in the operation of the school." *Burnside v. Byars*, 363 F. 2d 744, 749 (1966).<sup>1</sup>

On appeal, the Court of Appeals for the Eighth Circuit considered the case *en banc*. The court was equally divided, and the District Court's decision was accordingly affirmed, without opinion. 383 F. 2d 988 (1967). We granted certiorari. 390 U. S. 942 (1968).

### I.

The District Court recognized that the wearing of an armband for the purpose of expressing certain views is

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<sup>1</sup> In *Burnside*, the Fifth Circuit ordered that high school authorities be enjoined from enforcing a regulation forbidding students to wear "freedom buttons." It is instructive that in *Blackwell v. Issaquena County Board of Education*, 363 F. 2d 749 (1966), the same panel on the same day reached the opposite result on different facts. It declined to enjoin enforcement of such a regulation in another high school where the students wearing freedom buttons harassed students who did not wear them and created much disturbance.

the type of symbolic act that is within the Free Speech Clause of the First Amendment. See *West Virginia v. Barnette*, 319 U. S. 624 (1943); *Stromberg v. California*, 283 U. S. 359 (1931). Cf. *Thornhill v. Alabama*, 310 U. S. 88 (1940); *Edwards v. South Carolina*, 372 U. S. 229 (1963); *Brown v. Louisiana*, 383 U. S. 131 (1966). As we shall discuss, the wearing of armbands in the circumstances of this case was entirely divorced from actually or potentially disruptive conduct by those participating in it. It was closely akin to "pure speech" which, we have repeatedly held, is entitled to comprehensive protection under the First Amendment. Compare *Cox v. Louisiana*, 379 U. S. 536, 555 (1965); *Adderley v. Florida*, 385 U. S. 39 (1966).

First Amendment rights, applied in light of the special characteristics of the school environment, are available to teachers and students. It can hardly be argued that either students or teachers shed their constitutional rights to freedom of speech or expression at the schoolhouse gate. This has been the unmistakable holding of this Court for almost 50 years. In *Meyer v. Nebraska*, 262 U. S. 390 (1923), and *Bartels v. Iowa*, 262 U. S. 404 (1923), this Court, in opinions by Mr. Justice McReynolds, held that the Due Process Clause of the Fourteenth Amendment prevents States from forbidding the teaching of a foreign language to young students. Statutes to this effect, the Court held, unconstitutionally interfere with the liberty of teacher, student, and parent.<sup>2</sup> See also *Pierce v. Society of Sisters*, 268

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<sup>2</sup> *Hamilton v. Regents of Univ. of Cal.*, 293 U. S. 245 (1934) is sometimes cited for the broad proposition that the State may attach conditions to attendance at a state university that require individuals to violate their religious convictions. The case involved dismissal of members of a religious denomination from a land grant college for refusal to participate in military training. Narrowly viewed, the case turns upon the Court's conclusion that merely requiring a student to participate in school training in military



#### 4 TINKER v. COMMUNITY SCHOOL DISTRICT.

U. S. 510 (1925); *West Virginia v. Barnette*, 319 U. S. 624 (1943); *McCullum v. Board of Education*, 333 U. S. 203 (1948); *Wieman v. Updegraff*, 344 U. S. 183, 195 (1952) (concurring opinion); *Sweezy v. New Hampshire*, 354 U. S. 234 (1957); *Shelton v. Tucker*, 364 U. S. 479, 487 (1960); *Engel v. Vitale*, 370 U. S. 421 (1962); *Keyishian v. Board of Regents*, 385 U. S. 589, 603 (1967); *Epperson v. Arkansas*, 393 U. S. 97 (1968).

In *West Virginia v. Barnette*, *supra*, this Court held that under the First Amendment, the student in public school may not be compelled to salute the flag. Speaking through Mr. Justice Jackson, the Court said:

“The Fourteenth Amendment, as now applied to the States, protects the citizen against the State itself and all of its creatures—Boards of Education not excepted. These have, of course, important, delicate, and highly discretionary functions, but none that they may not perform within the limits of the Bill of Rights. That they are educating the young for citizenship is reason for scrupulous protection of Constitutional freedoms of the individual, if we are not to strangle the free mind at its source and teach youth to discount important principles of our government as mere platitudes.” 319 U. S., at 637.

On the other hand, the Court has repeatedly emphasized the need for affirming the comprehensive authority

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“science” could not conflict with his constitutionally protected freedom of conscience. The decision cannot be taken as establishing that the State may impose and enforce any conditions that it chooses upon attendance at public institutions of learning, however violative they may be of fundamental constitutional guaranties. See, *e. g.*, *West Virginia v. Barnette*, 319 U. S. 624 (1943); *Dixon v. Alabama State Bd. of Educ.*, 294 F. 2d 150 (C. A. 5th Cir. 1961); *Knight v. State Bd. of Educ.*, 200 F. Supp. 174 (D. C. M. D. Tenn. 1961); *Dickey v. Alabama St. Bd. of Educ.*, 273 F. Supp. 613 (C. A. M. D. Ala. 1967). See also Note, 73 Harv. L. Rev. 1595 (1960); Note, 81 Harv. L. Rev. 1045 (1968).



of the States and of school authorities, consistent with fundamental constitutional safeguards, to prescribe and control conduct in the schools. See *Epperson v. Arkansas*, *supra*, at 104; *Meyer v. Nebraska*, *supra*, at 402. Our problem lies in the area where students in the exercise of First Amendment rights collide with the rules of the school authorities.

## II.

The problem presented by the present case does not relate to regulation of the length of skirts or the type of clothing, to hair style or deportment. Compare *Ferrell v. Dallas Independent School District*, 392 F. 2d 697 (1968); *Pugsley v. Sellmeyer*, 158 Ark. 247, 250 S. W. 538 (1923). It does not concern aggressive, disruptive action or even group demonstrations. Our problem involves direct, primary First Amendment rights akin to "pure speech."

The school officials banned and sought to punish petitioners for a silent, passive, expression of opinion, unaccompanied by any disorder or disturbance on the part of petitioners. There is here no evidence whatever of petitioners' interference, actual or nascent, with the school's work or of collision with the rights of other students to be secure and to be let alone. Accordingly, this case does not concern speech or action that intrudes upon the work of the school or the rights of other students.

Only a few of the 18,000 students in the school system wore the black armbands. Only five students were suspended for wearing them. There is no indication that the work of the school or any class was disrupted. Outside the classrooms, a few students made hostile remarks to the children wearing armbands, but there were no threats or acts of violence on school premises.

The District Court concluded that the action of the school authorities was reasonable because it was based upon their fear of a disturbance from the wearing of the

## 6 TINKER v. COMMUNITY SCHOOL DISTRICT.

armbands. But, in our system, undifferentiated fear or apprehension of disturbance is not enough to overcome the right to freedom of expression. Any departure from absolute regimentation may cause trouble. Any variation from the majority's opinion may inspire fear. Any word spoken, in class, in the lunchroom or on the campus, that deviates from the views of another person, may start an argument or cause a disturbance. But our Constitution says we must take this risk, *Terminiello v. Chicago*, 337 U. S. 1. (1959); and our history says that it is this sort of hazardous freedom—this kind of openness—that is the basis of our national strength and of the independence and vigor of Americans who grow up and live in this relatively permissive, often disputatious society.

In order for the State in the person of school officials to justify prohibition of a particular expression of opinion, it must be able to show that its action was caused by something more than a mere desire to avoid the discomfort and unpleasantness that always accompany an unpopular viewpoint. Certainly where there is no finding and no showing that the exercise of the forbidden right would “materially and substantially interfere with the requirements of appropriate discipline in the operation of the school,” the prohibition cannot be sustained. *Burnside v. Byars*, *supra*, at 749.

In the present case, the District Court made no such finding, and our independent examination of the record fails to yield evidence that the school authorities had reason to anticipate that the wearing of the armbands would substantially interfere with the work of the school or impinge upon the rights of other students. Even an official memorandum prepared after the suspension that listed the reasons for the ban on wearing the armbands made no reference to the anticipation of such disruption.<sup>3</sup>

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<sup>3</sup> The only suggestions of fear of disorder in the report are these: “A former student of one of our high schools was killed in Viet

TINKER v. COMMUNITY SCHOOL DISTRICT. 7

On the contrary, the action of the school authorities appears to have been based upon an urgent wish to avoid the controversy which might result from the expression, even by the silent symbol of armbands, of opposition to this Nation's part in the conflagration in Vietnam.<sup>4</sup> It is revealing, in this respect, that the meeting at which the school principals decided to issue the contested regulation was called in response to a student's statement to the journalism teacher in one of the schools that he wanted to write an article on Vietnam and have it published in the school paper. (The student was dissuaded.)<sup>5</sup>

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Nam. Some of his friends are still in school and it was felt that if any kind of a demonstration existed, it might evolve into something which would be difficult to control.

"Students at one of the high schools were heard to say they would wear arm bands of other colors if the black bands prevailed."

Moreover, the testimony of school authorities at trial indicates that it was not fear of disruption that motivated the regulation prohibiting the armbands; the regulation was directed against "the principle of the demonstration" itself. School authorities simply felt that "the schools are no place for demonstrations," and if the students "didn't like the way our elected officials were handling things, it should be handled with the ballot box and not in the halls of our public schools."

<sup>4</sup> The District Court found that the school authorities, in prohibiting black armbands, were influenced by the fact that "[t]he Viet Nam war and the involvement of the United States therein has been the subject of a major controversy for some time. When the armband regulation involved herein was promulgated, debate over the Viet Nam war had become vehement in many localities. A protest march against the war had been recently held in Washington, D. C. A wave of draft-card-burning incidents protesting the war had swept the country. At that time two publicized draft burning were pending in this Court. Both individuals supporting the war and those opposing it were quite vocal in expressing their views." 258 F. Supp., at 972-973.

<sup>5</sup> After the principals' meeting, the director of secondary education and the principal of the high school informed the student that the principals were opposed to publication of his article. They



## 8 TINKER v. COMMUNITY SCHOOL DISTRICT.

It is also relevant that the school authorities did not purport to prohibit the wearing of all symbols of political or controversial significance. The record shows that students in some of the schools wore buttons relating to national political campaigns, and some even wore the Iron Cross, traditionally a symbol of nazism. The order prohibiting the wearing of armbands did not extend to these. Instead, a particular symbol—black armbands worn to exhibit opposition to this Nation's involvement in Vietnam—was singled out for prohibition. Clearly, the prohibition of expression of one particular opinion, at least without evidence that it is necessary to avoid material and substantial interference with school work or discipline, is not constitutionally permissible.

In our system, state-operated schools may not be enclaves of totalitarianism. School officials do not possess absolute authority over their students. Students in school as well as out of school are "persons" under our Constitution. They are possessed of fundamental rights which the State must respect, just as they themselves must respect their obligations to the State. In our system, students may not be regarded as closed-circuit recipients of only that which the State chooses to communicate. They may not be confined to the expression of those sentiments that are officially approved. In the absence of a specific showing of constitutionally valid reasons to regulate their speech, students are entitled to freedom of expression of their views. As Judge Gewin, speaking for the Fifth Circuit said, school officials cannot suppress "expressions of feelings with which they do not wish to contend." *Burnside v. Byars, supra*, at 749.

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reported that "we felt that it was a very friendly conversation, although we did not feel that we had convinced the student that our decision was a just one."



In *Meyer v. Nebraska, supra*, at 402, Justice McReynolds expressed this Nation's repudiation of the principle that a State might so conduct its schools as to "foster a homogeneous people." He said:

"In order to submerge the individual and develop ideal citizens, Sparta assembled the males at seven into barracks and intrusted their subsequent education and training to official guardians. Although such measures have been deliberately approved by men of great genius, their ideas touching the relation between individual and State were wholly different from those upon which our institutions rest; and it hardly will be affirmed that any legislature could impose such restrictions upon the people of a State without doing violence to both letter and spirit of the Constitution."

This principle has been repeated by this Court on numerous occasions during the intervening years. In *Keyishian v. Board of Regents*, 385 U. S. 589, 603, MR. JUSTICE BRENNAN, speaking for the Court, said:

"The vigilant protection of constitutional freedom is nowhere more vital than in the community of American schools.' *Shelton v. Tucker*, 234 U. S. 479, 487. The classroom is peculiarly the 'market-place of ideas.' The Nation's future depends upon leaders trained through wide exposure to that robust exchange of ideas which discovers truth 'out of a multitude of tongues, [rather] than through any kind of authoritative selection' . . ."

The principle of these cases is not confined to the supervised and ordained discussion which takes place in the classroom. The principal use to which the schools are dedicated is to accommodate students during prescribed hours for the purpose of certain types of activities.

## 10 TINKER v. COMMUNITY SCHOOL DISTRICT.

Among those activities is personal intercommunication among the students.<sup>6</sup> This is not only an inevitable part of the process of attending school. It is also an important part of the educational process. A student's rights therefore, do not embrace merely the classroom hours. When he is in the cafeteria, or on the playing field, or on the campus during the authorized hours, he may express his opinions, even on controversial subjects like the conflict in Vietnam, if he does so "without materially and substantially interfering with appropriate discipline in the operation of the school" and without colliding with the rights of others. *Burnside v. Byars, supra*, at 749. But conduct by the student, in class or out of it, which for any reason—whether it stems from time, place, or type of behavior—materially disrupts classwork or involves substantial disorder or invasion of the rights of others is, of course, not immunized by the constitutional guaranty of freedom of speech. Cf. *Blackwell v. Issaquena City Bd. of Educ.*, 363 F. 2d 749 (C. A. 5th Cir., 1966).

Under our Constitution, free speech is not a right that is given only to be so circumscribed that it exists in principle but not in fact. Freedom of expression would not truly exist if the right could be exercised only in an area that a benevolent government has provided as a safe haven for crackpots. The Constitution says that Congress (and the States) may not abridge the right to free

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<sup>6</sup> In *Hammond v. South Carolina State College*, 272 F. Supp. 947 (D. C. D. S. C. 1967), District Judge Hemphill had before him a case involving a meeting on campus of 300 students to express their views on school practices. He pointed out that a school is not like a hospital or a jail enclosure. Cf. *Cox v. Louisiana*, 379 U. S. 536 (1965); *Adderley v. Florida*, 385 U. S. 39 (1966). It is a public place, and its dedication to specific uses does not imply that the constitutional rights of persons entitled to be there are to be gauged as if the premises were purely private property. Cf. *Edwards v. South Carolina*, 372 U. S. 229 (1963); *Brown v. Louisiana*, 383 U. S. 131 (1966).

## TINKER v. COMMUNITY SCHOOL DISTRICT. 11

speech. This provision means what it says. We properly read it to permit reasonable regulation of speech-connected activities in carefully restricted circumstances. But we do not confine the permissible exercise of First Amendment rights to a telephone booth or the four corners of a pamphlet, or to supervised and ordained discussion in a school classroom.

If a regulation were adopted by school officials forbidding discussion of the Vietnam conflict, or the expression by any student of opposition to it anywhere on school property except as part of a prescribed classroom exercise, it would be obvious that the regulation would violate the constitutional rights of students, at least if it could not be justified by a showing that the students' activities would materially and substantially disrupt the work and discipline of the school. Cf. *Hammond v. South Carolina State College*, 272 F. Supp. 947 (D. C. D. S. C. 1967) (orderly protest meeting on state college campus); *Dickey v. Alabama State Board*, 273 F. Supp. 613 (D. C. M. D. Ala. 1967) (expulsion of student editor of college newspaper). In the circumstances of the present case, the prohibition of the silent, passive "witness of the armbands," as one of the children called it, is no less offensive to the Constitution's guaranties.

As we have discussed, the record does not demonstrate any facts which might reasonably have led school authorities to forecast substantial disruption of or material interference with school activities, and no disturbances or disorders on the school premises in fact occurred. These petitioners merely went about their ordained rounds in school. Their deviation consisted only in wearing on their sleeve a band of black cloth, not more than two inches wide. They wore it to exhibit their disapproval of the Vietnam hostilities and their advocacy of a truce, to make their views known, and by their example, to influence others to adopt them. They neither interrupted

12. TINKER v. COMMUNITY SCHOOL DISTRICT.

school activities nor sought to intrude in the school affairs or the lives of others. They caused discussion outside of the classrooms, but no interference with work and no disorder. In the circumstances, our Constitution does not permit officials of the State to deny their form of expression.

We express no opinion as to the form of relief which should be granted, this being a matter for the lower courts to determine. We reverse and remand for further proceedings consistent with this opinion.

*Reversed and remanded.*



# SUPREME COURT OF THE UNITED STATES

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No. 21.—OCTOBER TERM, 1968.

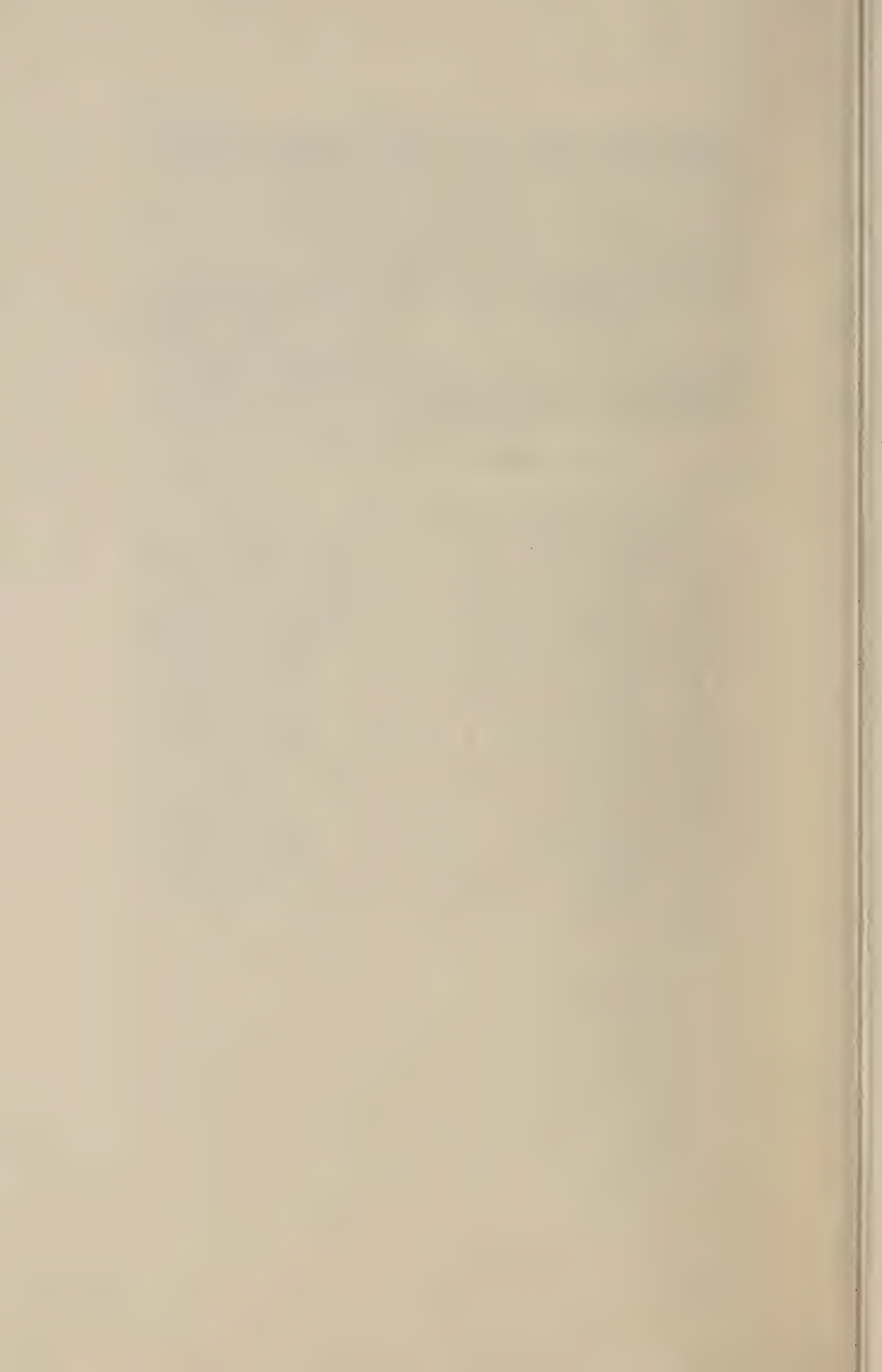
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John F. Tinker and Mary Beth	} On Writ of Certiorari to	
Tinker, Minors, etc., et al.,		the United States
Petitioners,		Court of Appeals for
v.		the Eighth Circuit.
Des Moines Independent Com-		
munity School District et al.		

[February 24, 1969.]

MR. JUSTICE STEWART, concurring.

Although I agree with much of what is said in the Court's opinion, and with its judgment in this case, I cannot share the Court's uncritical assumption that, school discipline aside, the First Amendment rights of children are co-extensive with those of adults. Indeed, I had thought the Court decided otherwise just last Term in *Ginsberg v. New York*, 390 U. S. 629. I continue to hold the view I expressed in that case: "[A] State may permissibly determine that, at least in some precisely delineated areas, a child—like someone in a captive audience—is not possessed of that full capacity for individual choice which is the presupposition of First Amendment guarantees." *Id.*, at 649–650 (concurring opinion). Cf. *Prince v. Massachusetts*, 321 U. S. 158.



# SUPREME COURT OF THE UNITED STATES

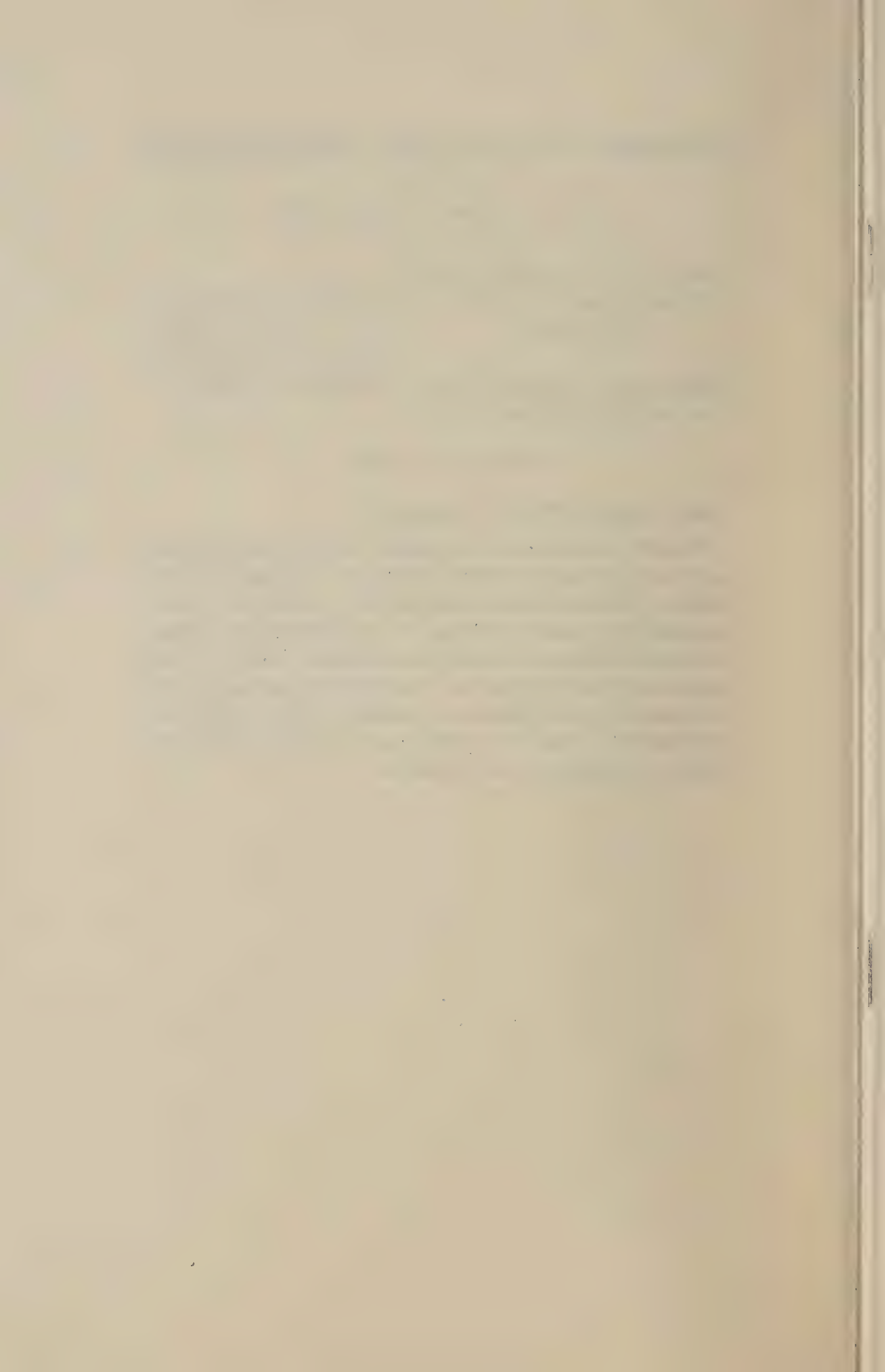
No. 21.—OCTOBER TERM, 1968.

John F. Tinker and Mary Beth Tinker, Minors, etc., et al., Petitioners, v. Des Moines Independent Com- munity School District et al.	} On Writ of Certiorari to the United States Court of Appeals for the Eighth Circuit.
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[February 24, 1969.]

MR. JUSTICE WHITE, concurring.

While I join the Court's opinion, I deem it appropriate to note, first, that the Court continues to recognize a distinction between communicating by words and communicating by acts or conduct which sufficiently impinge on some valid state interest; and, second, that I do not subscribe to everything the Court of Appeals said about free speech in its opinion in *Burnside v. Byars*, 363 F. 2d 744, 748 (C. A. 5th Cir. 1966), a case relied upon by the Court in the matter now before us.





# SUPREME COURT OF THE UNITED STATES

No. 21.—OCTOBER TERM, 1968.

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[February 24, 1969.]

Mr. JUSTICE BLACK, dissenting.

The Court's holding in this case ushers in what I deem to be an entirely new era in which the power to control pupils by the elected "officials of state supported public schools . . ." in the United States is in ultimate effect transferred to the Supreme Court.<sup>1</sup> The Court brought this particular case here on a petition for certiorari urging that the First and Fourteenth Amendments protect the right of schools pupils to express their political views all the way "from kindergarten through high school." Here the constitutional right to "political expression" asserted was a right to wear black armbands during school hours and at classes in order to demonstrate to the other students that the petitioners were mourning because of the death of United States' soldiers in Vietnam and to protest that war which they were against. Ordered to refrain from wearing the armbands in school by the elected school officials and the teachers vested with state authority to do so, apparently only seven out of the school system's 18,000 pupils deliberately refused

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<sup>1</sup> The petition for certiorari here presented this single question: "Whether the First and Fourteenth Amendments permit officials of state-supported public schools to prohibit students from wearing symbols of political views within school premises where the symbols are not disruptive of school discipline or decorum."

## 2 TINKER v. COMMUNITY SCHOOL DISTRICT.

to obey the order. One defying pupil was Paul Tinker, 8 years old, who was in the second grade; another, Hope Tinker was 11 years old in the fifth grade; a third member of the Tinker family was 13, in the eighth grade; and a fourth member of the same family was John Tinker, 15 years old, an 11th grade high school pupil. Their father, a Methodist minister without a church, is paid a salary by the American Friends Service Committee. Another student who defied the school order and insisted on wearing an armband in school was Chris Eckhardt, an 11th grade pupil and a petitioner in this case. His mother is an official in the Women's International League for Peace and Freedom.

As I read the Court's opinion it relies upon the following grounds for holding unconstitutional the judgment of the Des Moines school officials and the two Courts below. First the Court concludes that the wearing of armbands is "symbolic speech" which is "akin to pure speech" and therefore protected by the First and Fourteenth Amendments. Secondly, the Court decides that the public schools are an appropriate place to exercise "symbolic speech" as long as normal school functions are not "unreasonably" disrupted. Finally, the Court arrogates to itself, rather than to the State's elected officials charged with running the schools, the decision as to which school disciplinary regulations are "reasonable."

Assuming that the Court is correct in holding that the conduct of wearing armbands for the purpose of conveying political ideas is protected by the First Amendment compare, *e. g.*, *Giboney v. Empire Storage & Ice Co.*, 336 U. S. 490 (1949), the crucial remaining questions are whether students and teachers may use the schools at their whim as a platform for the exercise of free speech—"symbolic" or "pure"—and whether the Courts will allocate to themselves the function of deciding how

### TINKER v. COMMUNITY SCHOOL DISTRICT. 3

the pupils school day will be spent. While I have always believed that under the First and Fourteenth Amendments neither the State nor Federal Government has any authority to regulate or censor the content of speech, I have never believed that any person has a right to give speeches or engage in demonstrations where he pleases and when he pleases. This Court has already rejected such a notion. In *Cox v. Louisiana*, 379 U. S. 536 (1964), for example, the Court clearly stated that the rights of free speech and assembly "do not mean that anyone with opinions or beliefs to express may address a group at any public place and at any time." 379 U. S. 536, 554 (1964).

While the record does not show that any of these armband students shouted, used profane language or were violent in any manner, a detailed report by some of them shows their armbands caused comments, warnings by other students, the poking of fun at them, and a warning by an older football player that other, non-protesting students had better let them alone. There is also evidence that the professor of mathematics had his lesson period practically "wrecked" chiefly by disputes with Beth Tinker, who wore her armband for her "demonstration." Even a casual reading of the record shows that this armband did divert students' minds from their regular lessons, and that talk, comments, etc., made John Tinker "self-conscious" in attending school with his armband. While the absence of obscene or boisterous and loud disorder perhaps justifies the Court's statement that the few armband students did not actually "disrupt" the classwork, I think the record overwhelmingly shows that the armbands did exactly what the elected school officials and principals foresaw it would, that is, took the students' minds off their classwork and diverted them to thoughts about the highly emotional subject of the Vietnam war. And I repeat that if the time has come when pupils

#### 4 TINKER v. COMMUNITY SCHOOL DISTRICT.

of state-supported schools, kindergarten, grammar school or high school, can defy and flaunt orders of school officials to keep their minds on their own school work, it is the beginning of a new revolutionary era of permissiveness in this country fostered by the judiciary. The next logical step, it appears to me, would be to hold unconstitutional laws that bar pupils under 21 or 18 from voting, or from being elected members of the Boards of Education.<sup>2</sup>

The United States District Court refused to hold that the State school orders violated the First and Fourteenth Amendments. 258 F. Supp. 971. Holding that the protest was akin to speech, which is protected by the First and Fourteenth Amendments, that court held that the school orders were "reasonable" and hence constitutional. There was at one time a line of cases holding "reasonableness" as the court saw it to be the test of a "due process" violation. Two cases upon which the the Court today heavily relies for striking down these school orders used this test of reasonableness, *Meyers v. Nebraska*, 262 U. S. 390 (1923) and *Bartells v. Iowa*, 262 U. S. 404 (1923). The opinions in both cases were written by Mr. Justice McReynolds; Mr. Justice Holmes, who opposed this reasonableness test, dissented from the holdings as did Mr. Justice Sutherland. This constitutional test of reasonableness prevailed in this Court for a season.

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<sup>2</sup> The following Associated Press article appeared in the Washington *Evening Star*, January 11, 1969, p. A-2, col. 1.

"BELLINGHAM, Mass. (AP)—Todd R. Hennessy, 16, has filed nominating papers to run for town park commissioner in the March election.

" 'I can see nothing illegal in the youth's seeking the elective office,' said Lee Ambler, the town counsel. 'But I can't overlook the possibility that if he is elected any legal contract entered into by the park commissioner would be void because he is a juvenile.'

"Todd is a junior in Mount St. Charles Academy, where he has a top scholastic record."



It was this test that brought on President Franklin Roosevelt's well-known Court fight. His proposed legislation did not pass, but the fight left the "reasonable" constitutional test dead on the battlefield, so much so that this Court in *Ferguson v. Skrupa*, 372 U. S. 726, 729, 730, after a thorough review of the old cases, was able to conclude in 1962:

"There was a time when the Due Process Clause was used by this Court to strike down laws which were thought unreasonable, that is, unwise or incompatible with some economic or social philosophy . . . . The doctrine that prevailed in *Lochner*, *Coppage*, *Adkins*, *Burns*, and like cases—that due process authorizes courts to hold laws unconstitutional when they believe the legislature has acted unwisely—has long since been discarded."

The *Ferguson* case totally repudiated the old reasonableness due process test, the doctrine that judges have the power to hold laws unconstitutional upon the belief of judges that they are "unreasonable," "arbitrary," "shock the conscience," "irrational," "contrary to fundamental 'decency,'" or some other such flexible term without precise boundaries. I have many times expressed my opposition to that concept on the ground that it gives judges power to strike down any law they do not like. If the majority of the Court today, by agreeing to the opinion of my Brother FORTAS, is resurrecting that old reasonableness due process test, I think the constitutional change should be plainly, unequivocally, and forthrightly stated for the benefit of the bench and bar. It will be a sad day for the country, I believe, when the present day Court returns to the *McReynolds*' due process concept. Other cases cited by the Court do not, as implied, follow the *McReynolds*' reasonableness doctrine. *West Virginia v. Barnette*, 319 U. S. 625, clearly rejecting the "reason-

## 6 TINKER v. COMMUNITY SCHOOL DISTRICT.

ableness" test, held that the Fourteenth Amendment made the First applicable to the States, and held that the two forbade a State to *compel* little school children to salute the United States flag when they had religious scruples against it.<sup>3</sup> Neither *Thornhill v. Alabama*, 310 U. S. 88; *Stromberg v. California*, 283 U. S. 359; *Edwards v. South Carolina*, 372 U. S. 329, nor *Brown v. Louisiana*, 382 U. S. 131, related to school children at all, and none of these cases embraced Mr. Justice McReynolds' reasonableness test; and *Thornhill*, *Edwards*, and *Brown* relied on the vagueness of state statutes under scrutiny to hold it unconstitutional. *Cox v. Louisiana*, 379 U. S. 536, 555, and *Adderley v. Florida*, 385 U. S. 39, cited by the Court as a "compare," indicating, I suppose, that these two cases are no longer the law, were not rested to the slightest extent on the *Meyers* and *Bartell* "reasonableness-due process-McReynolds'" constitutional test.

I deny, therefore, that it has been the "unmistakable holding of this Court for almost 50 years" that "students" and "teachers" take with them into the "schoolhouse gate" constitutional rights to "freedom of speech or

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<sup>3</sup> In *Cantwell v. Connecticut*, 310 U. S. 296, 303-304 (1939), this Court said:

"The First Amendment declares that Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof. The Fourteenth Amendment has rendered the legislatures of the states as incompetent as Congress to enact such laws. The constitutional inhibition of legislation on the subject of religion has a double aspect. On the one hand, it forestalls compulsion by law of the acceptance of any creed or the practice of any form of worship. Freedom of conscience and freedom to adhere to such religious organization or form of worship as the individual may choose cannot be restricted by law. On the other hand, it safeguards the free exercise of the chosen form of religion. Thus the Amendment embraces two concepts—freedom to believe and freedom to act. The first is absolute but, in the nature of things, the second cannot be. Conduct remains subject to regulation for the protection of society."

expression." Even *Meyer* did not hold that. It makes no reference to "symbolic speech" at all; what it did was to strike down as "unreasonable" and therefore unconstitutional a Nebraska law barring the teaching of the German language before the children reached their eighth grade. One can well agree with Justice Holmes and Mr. Justice Sutherland, as I do, that such a law was no more unreasonable than it would be to bar the teaching of Latin and Greek to pupils who have not reached the eighth grade. In fact, I think the majority's reason for invalidating the Nebraska law was that they did not like or in legal jargon that it "shocked the Court's conscience," "offended its sense of justice" was "contrary to fundamental concepts of the English-speaking world," as the Court has sometimes said. See, *e. g.*, *Rochin v. California*, 342 U. S. 165, and *Irvine v. California*, 347 U. S. 128. The truth is that a teacher of kindergarten, grammar school, or high school pupils no more carries into a school with him a complete right to freedom of speech and expression than an anti-Catholic or anti-Semitic carries with him a complete freedom of speech and religion into a Catholic church or Jewish synagogue. Nor does a person carry with him into the United States Senate or House, or to the Supreme Court, or any other court, a complete constitutional right to go into those places contrary to their rules and speak his mind on any subject he pleases. It is a myth to say that any person has a constitutional right to say what he pleases, where he pleases, and when he pleases. Our Court has decided precisely the opposite. See, *e. g.*, *Cox v. Louisiana*, 379 U. S. 536, 555; *Adderley v. Florida*, 385 U. S. 39.

In my view, teachers in state-controlled public schools are hired to teach there. Although Mr. Justice McReynolds may have intimated to the contrary in *Meyers v. Nebraska*, *supra*, certainly a teacher is not paid to go into



## 8 TINKER v. COMMUNITY SCHOOL DISTRICT.

school and teach subjects the State does not hire him to teach as a part of its selected curriculum. Nor are public school students sent to the schools at public expense to broadcast political or any other views to educate and inform the public. The original idea of schools, which I do not believe is yet abandoned as worthless or out of date, was that children had not yet reached the point of experience and wisdom which enabled them to teach all of their elders. It may be that the Nation has outworn the old-fashioned slogan that "children are to be seen not heard," but one may, I hope, be permitted to harbor the thought that taxpayers send children to school on the premise that at their age they need to learn, not teach.

The true principles on this whole subject were in my judgment spoken by Mr. Justice McKenna for the Court in *Waugh v. Mississippi University* in 237 U. S. 589, 596-597. The State had there passed a law barring students from peaceably assembling in Greek letter fraternities and providing that students who joined them could be expelled from school. This law would appear on the surface to run afoul of the First Amendment's freedom of assembly clause. The law was attacked as violative of due process and as a deprivation of property, of liberty, and of the privileges and immunities clause of the Fourteenth Amendment. It was argued that the fraternity made its members more moral, taught discipline, and inspired its members to study harder and to obey better the rules of discipline and order. This Court rejected all the "fervid" pleas of the fraternities' advocates decided unanimously against these Fourteenth Amendment arguments. The Court in its closing paragraph made this statement which has complete relevance for us today:

"It is said that the fraternity to which complainant belongs is a moral and of itself a disciplinary force. This need not be denied. But whether such mem-



bership makes against discipline was for the State of Mississippi to determine. It is to be remembered that the University was established by the State and is under the control of the State, and the enactment of the statute may have been induced by the opinion that *membership in the prohibited societies divided the attention of the students and distracted from that singleness of purpose which the State desired to exist in its public educational institutions*. It is not for us to entertain conjectures in opposition to the views of the State and annul its regulations upon disputable considerations of their wisdom or necessity." (Emphasis supplied.)

It was on the foregoing argument that this Court sustained the power of Mississippi to curtail the First Amendment's right of peaceable assembly. And the same reasons are equally applicable to curtailing in the States' public schools the right to complete freedom of expression. Iowa's public schools, like Mississippi's university, are operated to give students an opportunity to learn, not to talk politics by actual speech, or by "symbolic" speech. And as I have pointed out before, the record amply shows that public protest in the school classes against the Vietnam war "distracted from that singleness of purpose which the State (here Iowa) desired to exist in its public educational institutions." Here the Court should accord Iowa educational institutions the same right to determine for itself what free expression and no more should be allowed in its schools that it accorded Mississippi with reference to freedom of assembly. But even if the record were silent as to protests against the Vietnam war distracting students from their assigned class work, members of this Court, like all other citizens, know, without being told, that the disputes over the wisdom of the Vietnam war have disrupted and divided this country as few other issues

## 10 TINKER v. COMMUNITY SCHOOL DISTRICT.

ever have. Of course students, like other people, cannot concentrate on lesser issues when black armbands are being ostentatiously displayed in their presence to call attention to the wounded and dead of the war, some of the wounded and the dead being their friends and neighbors. It was, of course, to distract the attention of other students that some students insisted up to the very point of their own suspension from school that they were determined to sit in school with their symbolic armbands.

Change has been said to be truly the law of life but sometimes the old and the tried and true are worth holding. The schools of this Nation have undoubtedly contributed to giving us tranquility and to making us a more law-abiding people. Uncontrolled and uncontrollable liberty is an enemy to domestic peace. We cannot close our eyes to the fact that some of the country's greatest problems are crimes committed by the youth, too many of school age. School discipline, like parental discipline, is an integral and important part of training our children to be good citizens—to be better citizens. Here a very small number of students have crisply and summarily refused to obey a school order designed to give pupils who want to learn the opportunity to do so. One does not need to be a prophet or the son of a prophet to know that after the Court's holding today that some students in Iowa schools and indeed in all schools will be ready, able, and willing to defy their teachers on practically all orders. This is the more unfortunate for the schools since groups of students all over the land are already running loose, conducting break-ins, sit-ins, lie-ins, and smash-ins. Many of these student groups, as is all too familiar to all who read the newspapers and watch the television news programs, have already engaged in rioting, property seizures and destruction. They have picketed schools to force students not to cross their picket lines and have too often violently attacked earnest but

frightened students who wanted an education that the picketers did not want them to get. Students engaged in such activities are apparently confident that they know far more about how to operate public school systems than do their parents, teachers, and elected school officials. It is no answer to say that the particular students here have not yet reached such high points in their demands to attend classes in order to exercise their political pressures. Turned loose with law suits for damages and injunctions against their teachers like they are here, it is nothing but wishful thinking to imagine that young, immature students will not soon believe it is their right to control the schools rather than the right of the States that collect the taxes to hire the teachers for the benefit of the pupils. This case, therefore, wholly without constitutional reasons in my judgment, subjects all the public schools in the country to the whims and caprices of their loudest-mouthed, but maybe not their brightest, students. I, for one, am not fully persuaded that school pupils are wise enough, even with this Court's expert help from Washington, to run the 23,390 public school systems<sup>4</sup> in our 50 States. I wish, therefore, wholly to disclaim any purpose on my part, to hold that the Federal Constitution compels the teachers, parents, and elected school officials to surrender control of the American public school system to public school students. I dissent.

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<sup>4</sup> Statistical Abstract of the United States (1968), Table No. 578, p. 406.





# SUPREME COURT OF THE UNITED STATES

No. 21.—OCTOBER TERM, 1968.

John F. Tinker and Mary Beth Tinker, Minors, etc., et al., Petitioners, v. Des Moines Independent Com- munity School District et al.	} On Writ of Certiorari to the United States Court of Appeals for the Eighth Circuit.
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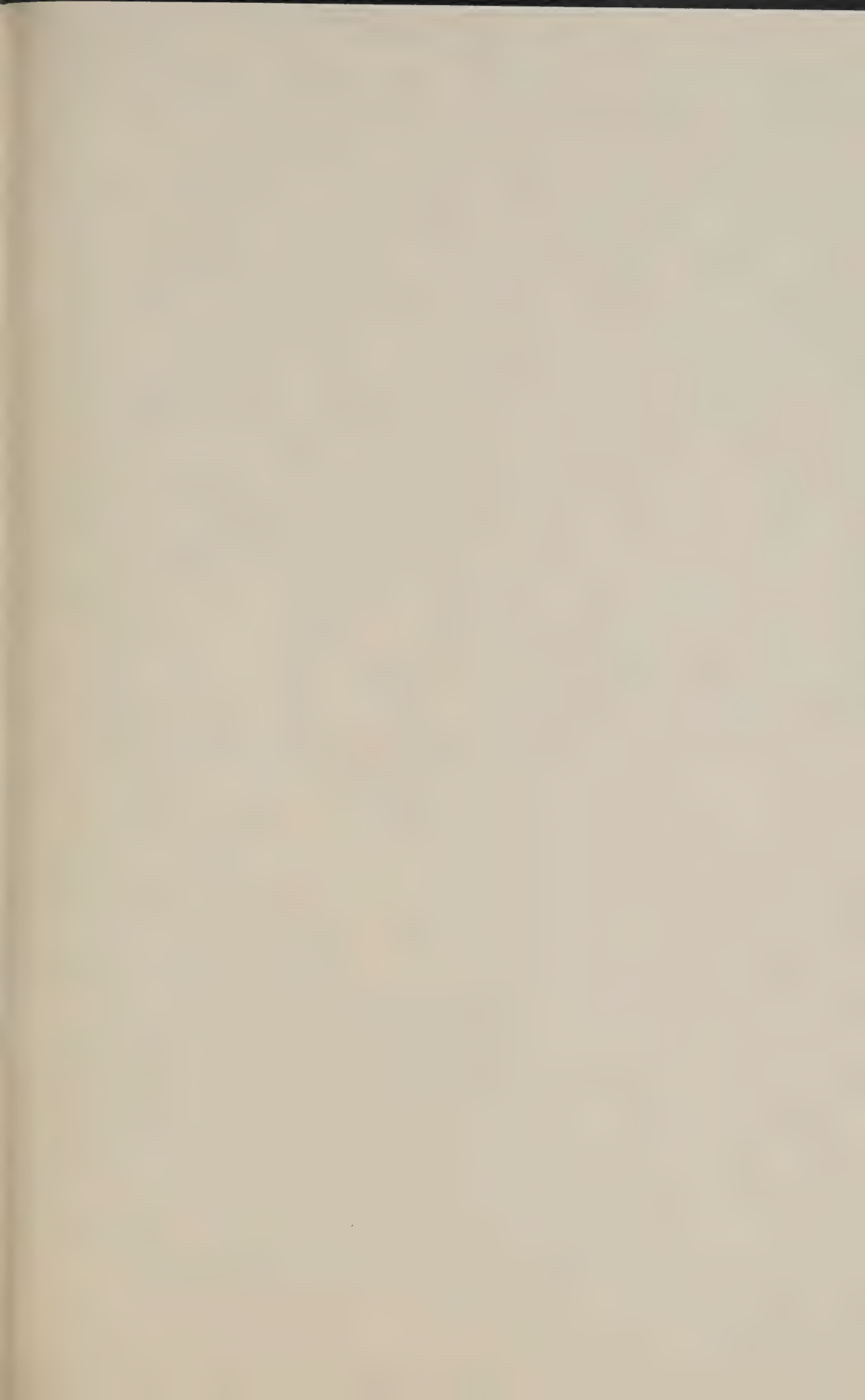
[February 24, 1969.]

MR. JUSTICE HARLAN, dissenting.

I certainly agree that state public school authorities in the discharge of their responsibilities are not wholly exempt from the requirements of the Fourteenth Amendment respecting the freedoms of expression and association. At the same time I am reluctant to believe that there is any disagreement between the majority and myself on the proposition that school officials should be accorded the widest authority in maintaining discipline and good order in their institutions. To translate that proposition into a workable constitutional rule, I would, in cases like this, cast upon those complaining the burden of showing that a particular school measure was motivated by other than legitimate school concerns—for example, a desire to prohibit the expression of an unpopular point of view, while permitting expression of the dominant opinion.

Finding nothing in this record which impugns the good faith of respondents in promulgating the arm band regulation, I would affirm the judgment below.









pg. 46 Mrs. Swaim: "Just to clarify this: The programs that we have before us are the Administration's recommendations from the Division of Instruction. They are recommendations about what can be done this summer and is going to be done this summer and next year."

(following discussion is organized by topic)

#### SCEN demand regarding Black History

Mr. Hobson: "Could you tell us in your own words, for example, if they are going to have Swahili in the schools?"

Mrs. Swaim: "Mr. Nickens can correct me on this if I am wrong. It is my understanding it is going to start this summer. It started at this summer-school session.

Then, that program will be expanded next year."

There are really two things that they are proposing we should do. One is courses for students and the other is courses for teachers who will be teaching Black history and English, and they will start to get those teachers this summer."

"Now as far as the courses in African studies and Swahili, those are going to be regular additions to the secondary school program." pg. 48.

#### SCEN demand regarding reading skills

Mrs. Taylor: The concern I have about this report is every item is aimed at teacher training. I see nothing here to indicate what we are going to do for our teachers. I see here that we are going to hire persons to teach the teachers speed-reading. This is a very costly program, and my concern is that we ought to give something here that is more immediately aimed at the students. Everything here is pertaining to teachers.

FOLLOWS LONG DISCUSSION VIS A VIS THE MERITS OF TRAINING THE TEACHERS FOR A SPEED READING CURRICULUM. THE COST OF THIS TRAINING WOULD BE OVER A MILLION DOLLARS. FUNDS FOR SUCH TRAINING ARE UNALLOCATED AND THE PROGRAM PRESUMABLY WILL NOT BE RUN BECAUSE THERE IS NO MONEY. So much for courses in improved reading skills. db comment.

#### SCEN demand regarding physical education

pg. 49. Mr. Hobson: "Mrs. Swaim, could you tell me something? Could you tell me if physical education cannot be settled now? That has been before us now for a long time. I was wondering what happened that the physical education was left out of this?"

Mr. Manning: "The Board will be receiving a report shortly on the physical education provision of the demands." (db note: see P below for Brd directive re physical ed.)

"The problem we have right now is that it is necessary for us to request an opinion from the Corporation Counsel on it. We are awaiting his opinion. That is the reason it is not included. But we expect it momentarily." (db note: Mrs. Williamson tells me that as of 2/12/70 the Corporation Counsel's office had not submitted its opinion. She has heard, however, that it may be forthcoming in the next month.)

pg. 58. Mr. Coates: The amendment to the report is that students be permitted in the workshops for sex education and curriculum design, and this summer the report be given to the Board on physical education programs." (the amendment carried on pg. 59.)

(db note: According to Mrs. Williamson's office, at the Nov. 24 Brd Meeting, the administration made a report on health and physical education courses which the Board rejected, asking for a more detailed report. — transcript of mtg. not ready.)

#### SCEN demand regarding sex education

(The Administration's report did not include a response to this demand.)

pg. 56 Mrs. Taylor: One other observation I would like to make. In the student of rights we passed, in the area of health and sex education, it called for student participation in the curriculum design, and I see no provision for that here as entered. It strictly a staff -- and I wonder if it would be possible to better comply with the original bill to include here student and staff workshop?

I so amend the report to that effect."

pg. 56 & 57 Mrs. Swaim: And that the understanding be in adopting the report we are assuming that within a month, if that is a reasonable time, we will be discussing that with physical education." — (db note: so far as I have been able to find out, the administration does not intend a report on sex education.)

page 59 motion passed directing Administration to hold curriculum workshops on sex education and that students be allowed to participate.





ACTION TAKEN ON SCEN DEMANDS BY BOARD OF EDUCATION AT 4/24 Meeting of Board of Education

Chairman

Pg. 49, Mrs. Swaim, ~~XXXXXXXX~~ of Taskforce Committee on SCEN, presents a written report to the Board for its approval and gives a brief summary of report to Board.

Pg. 54, vote~~d~~ to adopt report on SCEN demands. 4-24-69

Actions indicated by adopted report

In Report given by Mrs. Swaim:

1. "The Division of Instruction will provide for the Board for the June Meeting detailed information on where compliance has been by administrative action and where Board action will be required on funds for use this summer and next fall."
2. "...Complete curriculum revision in Afro-American History, Literature and Sex Education is under way."
3. "Although the Task Force (of Board Members) is not satisfied with the speed of action here (on the part of the school administration) the direction looks right. Summer school and fall, 1969, will show the effects of Board action on the student demands."

~~XXXXXXXXXXXXXXXXXXXX~~

In Report given by Mr. Nickens, administrative spokesman (included as part of adopted report)

1. "The Social social Studies Department and the English Department are both looking at the question of revision of the Black History curriculum with the introduction of new and more relevant materials from Black authors, African History, in all of the schools."
2. "...There are two things that are important here for the Board to understand that we can do, without additional money. One is to offer courses in Black History this summer, based upon the survey that Mr. Rhodes is going to do on the number of students who would be interested in such a course
3. "This fall we will also determine the number of students by poll that will want to take these courses and this in turn can be handled, we believe, by regular salaries so these things will not take Board action, but can be handled administratively, based on the number of students we have."
4. "This very briefly is the status of the situation no. We will constantly keep the Board informed. We are working with all the departments concerned."
5. "In the case of Black History, Mr. Koontz has indicated that he would like to touch bases with some of the consultants in the field to be certain we are getting the best kind of input."

---

Julius: This is for your info and to jog your memory a bit about the Administration's position and continuing position about including Black history in the regular American History curriculum.

Mr. Hobson: "Number one, when you put in this Black History, is it going to be available and compulsory like the other history, isn't it? It is not going to be elected?"

Mr. Nickens (administrative spokesman): "The question of compulsory would have to be Board action. We can recommend that if this is the will of the Board. Normaly, as we stand now, there are only two history courses required at the high school level. One is American history and we would change this."





FOR RELEASE

December 12, 1969

Julius W. Hobson  
Washington Institute for  
Quality Education  
300 M St., S.W.  
554-3308

STATEMENT BY JULIUS W. HOBSON

BEFORE THE D.C. COALITION ON NATIONAL PRIORITIES AND LOCAL NEEDS

During the past few weeks news stories have highlighted violence in the D.C. public schools. Increasing disrespect, hostility, physical threats and distruction is a reality. However, unlike city officials and some educators, I cannot advocate punishing young people -- graduating at the rate of over 5,000 a year -- for being unable to function in our society. It seems far more reasonable and right to jail city fathers, School Board Members and school administrators who failed to support the abolition of inequity in public education, the tract system, and special privilege.

The Chairman of the City Council, Mr. Gilbert Hahn, during his long years as a resident of the District never offered to lend his prestige, money or support to helping students read, learn to count or secure sufficient books and resources to find a positive role in society. Now he, and men like him, are offering to help control "violence" in the schools when they failed to indicate any prior interest in the welfare of students. What is the point in locking the barn door after the horse has been stolen? We are too late with too little.

Thousands of students have been destroyed or pushed out by the ruinous educational practices of the District. These students are returning to the only real place they know to vent their hostility and frustrations -- the schools. Many of them are still school age -- but are "push-outs," drop-outs," or part of the nearly one-third daily "absentee count" -- an indication of the growing malaise of the system.

The "answer" to the problem is not Hahn's City Council oppressiveness like wall-to-wall police at School Board meetings nor is it the Superintendent's suggestion (without plan) of community cooperation. The crisis will not be averted until the following first steps have been taken. Unless these actions are immediately initiated, I can only predict an educational holocaust, a rebellion by the young against the existing inequities and incarceration characterized by increasing student strikes and destruction. Any "answer" is two-fold -- "long range" and "short range."

Short Range Requirements: The District should identify emergency funds to:

1. Work with the United States Employment Service in D.C. to establish a special counseling and employment service at each high school. Young people not enrolled at the school should be directed to special counselors. Rather than slamming doors



repeatedly in the face of the jobless youth, high school employment and counseling offices should offer continuing services and direction to drop-outs and graduates (similar to college placement offices). Former students should be welcome and assisted with job information, enrollment in city youth programs, and help with special health or welfare needs.

2. Select, train and employ a Hall Patrol Official in every high school, junior high school and designated elementary schools. This person should be employed full-time by the school system to patrol the halls -- providing directions and assistance to students (with hall passes) and adults. Young people not enrolled in the school should be directed for help to the special counseling office. Individuals selected for hall patrol duties should reside in the neighborhood and relate to young people -- they might be retired from other jobs. They should not be armed or uniformed.
3. Force the Justice Department to design an intensive program to combat the illegal drug traffic raging in the city schools rather than concentrating their resources on the persecution of political dissenters. Neither the community nor the local police alone can deal with the highly organized interstate and international aspects of drug traffic.

Long Range Requirements:

1. As I have emphasized during my year on the Board, drastic educational reforms are urgent. To relieve crowding and other problems, the District should immediately investigate and develop plans to convert to a year-round educational system similar to the Atlanta Plan. Work-study and employment programs should be scheduled on a year-round basis rather than forced during the summer months.
2. Any young person under the age of 21, should be encouraged to complete his high school education at public expense at evening schools sponsored by the Board of Education. Vocational education must be expanded to all schools rather than crowded into special schools.

Retraining teachers, redistributing decision making, equalizing books and resources, streamlining the budget, and improving administrative techniques are needed to avert an educational disaster. However, as long as "special privilege" remains the modus operandi of the school administration, then tragedy cannot be avoided. Special privilege and unequal treatment have brought us to the brink of disaster and will push us over unless we shift our attitudes and priorities.

# # # #





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# HOPEFIELDS SCHOOL, INC.

Route 6A  
East Sandwich, Massachusetts

SPECIALIZED  
CO-EDUCATIONAL  
BOARDING AND DAY SCHOOLS

Preparation for  
College - Vocational - Professional Employment

## RIVERVIEW SCHOOL

Route 6A, East Sandwich, Massachusetts  
Grades 4 - 12





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Route 6A, East Sandwich, Massachusetts  
Grades 4 - 12



## ENROLLMENT POLICY

1. All students must have an intelligence quotient of at least dull-normal ability.
2. A psycho-educational disability of 2 - 3 years retardation (standardized tests) is acceptable.
3. Evidence that the student can live comfortably with other children.
4. Children from seven - eighteen years are acceptable for enrollment.
5. As an open setting we cannot deal with children who require stringent controls, or impulsive behavior, assaultive patterns, destructive or pre-delinquent tendencies, or fantasy.
6. Boys and girls requiring structure, a personalized academic program, motivation, acceleration and/or an intensive reading program on a one to one basis. Children who have experienced rejection or mild withdrawal.



# RIVERVIEW SCHOOL

## LOCATION AND FACILITIES

RIVERVIEW SCHOOL is located on scenic Route 6A, East Sandwich, Massachusetts. Sandwich combines the restful life of country and shore, within easy commuting distance of Boston, Providence and Western Massachusetts. Excellent hospitals, a variety of fine stores, magnificent beaches, airports and all other city advantages are within a radius of eight miles.

The school occupies seventeen modern buildings which are completely equipped for a boarding school program. A large play-athletic field, gymnasium, indoor pool, auditorium, library, eighteen classrooms, modern ranch houses where our girls live, a junior

dormitory, an intermediate dormitory and a senior unit for our boys.

The Lower School includes grades four, five and six with a special group for youngsters with more severe learning disabilities. Approximately forty children are enrolled. The Upper School, with approximately 125 children, covers grades seven-twelve as well as four special groups for children with more severe learning problems. All extra curricula activities, dramatics, music, art, physical education and socials are shared equally as group experiences.

The faculty numbers thirty full time instructors and twelve house parents.

## EDUCATIONAL PURPOSES

The Administration and Faculty re-assess the needs and purposes of education in a highly competitive society. We are constantly trying to acquaint the child with the world, his responsibilities and ways in which he can meet these responsibilities. We provide opportunities for each child to develop his special gifts and qualities and to help him liberate obstructions preventing their fulfillment. We direct and guide our students to a recognition

of themselves, of their relation to other people, and most especially, to their intellectual capacity. The School has basic aims developed as a means of achieving these goals: I. A flexible curriculum designed to meet individual needs and intellects. II. A method of learning and teaching through a variety of enrichment activities and small classes. III. Living in a democratic society of refinement and good taste.

## THE CURRICULUM

The curriculum is faculty planned to insure absolute continuity. Great emphasis is placed in English Composition and reading. Appreciation and creative expression are equally valued and based on the conviction that art and creativity is for all, not for a mere few. Children who have special gifts are helped and encouraged to develop them. Our educational philosophy embodies preparation for

daily living which demands social, emotional, physical and intellectual responsibilities. Children are selected on character and their desire to develop academically, as well as intellectual or creative excellence. Each child's potential is sought and encouraged. Every possible form of recognition is made available for improvement, to the mastering of a difficulty and to excellence of any kind.

## THE FACULTY

High standards of character and professional training are required of faculty members. Freedom to work as individuals allows for greater

opportunity to grow and because of this freedom, we have a permanent staff of men and women dedicated to the needs of our children.

## THE ADMINISTRATION

The School is a corporation; the Headmaster is responsible to the Board of Trustees for the management of the School and for the fulfill-

ment of its purposes. The Board is made up largely of parents and includes faculty representation.

## COURSE OF STUDY

General, Vocational, Commercial and College Preparatory; High School Diplomas are awarded students who complete 16 units of High School work. College preparatory stu-

dents must successfully complete 13 units in Languages, English, History, Mathematics and Science.



Administration Building





School Library and Art Building.

## VOCATIONAL PROGRAM

A Pre-vocational arts program is available for boys and girls who are unable to pursue the required academic program. Although all students are required to take basic courses of study in English, Mathematics, Science and History, the school offers courses in cooking, sewing, photography, shop, and home-practical nursing. All instructors are trained in specific areas. Children who complete these courses of study will be better equipped to find gainful employment in their chosen major. Courses in art, crafts and commercial subjects are also available to these same students.

High School Certificates are awarded boys and girls who are unable to meet the usual Diploma requirements. We prepare these children for advanced vocational training in specialized schools or for job placement. The General Course of study allows for a High School Diploma and prepares boys and girls for art, business, professional schools and Junior colleges.

In all classes, grades 8-12, there are three major divisions, as well as three sections for boys and girls who cannot undertake the work of absolute grade level.

## TYPE OF CHILD ENROLLED

Boys and girls who are not functioning to their intellectual capacity; children who need special educational methods—individual instruction—a more enriched - accelerated and

challenging academic program—a program geared to individual needs. We do not enroll children who are severe discipline problems, severely retarded or disturbed.





Junior and Intermediate Dormitories for Boys.



# THE LOWER SCHOOL

## GRADES THREE THROUGH SIX

Children in the Lower School join a larger community where their school life is further expanded and enriched. They are more aware of the importance of belonging to a group and of living effectively within it. They grow in understanding of the needs of others, of the differences among them, and of the contribution each brings to his group. The recognition of mutual needs and the finding of ways to meet situations together strengthens their ability to function as a group.

With many of the same materials used in lower grades, they gain a deepening understanding of familiar experiences, and they make new discoveries and form new relationships. They are eager for knowledge and skills; they want to go to the source of things.

They investigate their surroundings: first their immediate neighborhood; and then the larger world, the city, its reservoir, rivers, bridges, tunnels, food markets, transportation; through trips and museum visits as well as through pictures and reading. This active introduction to the peoples around them leads to interest in, and research into, the early life of New England and its settlers.

Children want time to experiment and opportunity to use the information they acquire; with ample equipment they can find out for themselves how things work or why they fail to work. They plant seeds and watch and tend the growing plants; they grind, mix and cook foods; they experiment with light, heat, siphons, magnets and batteries. They grow



Academic Building — Lower School.





The David and Helen Entin Gymnasium.

increasingly conscious of what they are learning and are anxious to state it.

Experiences of vital interest promote the wish to learn skills: buildings need signs, maps need titles and directions; writing is clearly a necessary skill. Stories emanating from their experiences together and from their imaginations are told, dictated, and later written, by the children.

Reading is a new and limitless discovery. Each child progresses according to his own readiness; if he has not begun to read at the time appropriate to him, he receives special help for as long as he needs it.

Handling numbers and the development and comprehension of arithmetical concepts grows out of daily experience. There is constant need to count, to weigh, to measure and to approximate. There is need to "figure" in shop, in music, in the store. Together with the practical use of numbers, there is daily drill to speed up and strengthen the use of abstract numbers.

Because they need to use what they are learning in their daily lives, the children enjoy increasing their skills in reading, writing, and handling numbers. Enthusiasm for knowledge and eagerness to use it are signs of successful learning, hard concentrated work becomes increasingly satisfying and rewarding.

## PHYSICAL ACTIVITY

The ability to handle oneself physically is important for growing self-respect. On the athletic field and in the gymnasium the children use large physical equipment to play out

their ideas; they take pride in developing skill in climbing, running, throwing and catching; they have time for free play and for organized games.



# THE UPPER SCHOOL

## GRADES SEVEN THROUGH TWELVE

The Upper School endeavors to meet the fundamental needs of the emerging young adult; to help them to know themselves and their world, to acquire the tools necessary for mature functioning, and to become acquainted with some of the vast heritage of humankind.

It is hoped that by the time a student graduates he will be capable of conducting his own life and meeting his responsibilities with judgment and independence. He will have read widely and attained competence in writing and speaking his own language; he is expected to be able to communicate satisfactorily in a foreign language. He should be in some measure literate in the fields of mathematics and science. Part of his high school life will have given him an intense experience in at least one of the arts. He will have achieved a considerable awareness of his own past, as well as the ability to use it toward understanding

the present. He will have been challenged to know the meaning of selfless service to the larger community outside the School. The ability to use his body with discipline will have grown steadily and surely. Finally, he will know how to stretch himself to his utmost capacity, and what it means to be intellectually tired.

Careful guidance is given each student in choosing his program and in the use of his school time. Each year there are also formal evaluation sessions, so that a student reaching Senior year has a realistic sense of his own capacities and some clear choices for his life after graduation. A normal program would include: four years of English, Social Studies and Physical Education; at least two years of mathematics; at least one foreign language, one laboratory science, and experiences in the arts.



A Modern - Well Equipped Gymnasium Provides Every Student with Opportunities for Physical Development.



## ADMISSION TO COLLEGES DIPLOMAS - CERTIFICATES

The School accepts responsibilities for advising students and parents in their selection of a college or university. The School program meets the requirements of all colleges, and liberal assistance is given to the students in making the plans and arrangements necessary for admission. Similar attention and encouragement are offered those students who are ready to engage immediately in professional work, or who want to follow their own interests in other ways.

The High School Certificate course is offered all children who are unable to pursue

the standard course of study. However, many of our former students have found gainful employment in hospitals, nursery schools, business and art. In some instances these students enter professional schools where they study electronics and other vocational skills which prepares the way for financial security.

The student enrolled in the General Course is prepared for business, vocational placement, Junior College, Art Schools and Vocational Schools of advanced standing.

## TESTS AND RECORDS

Each child's cumulative record, when complete, includes: I. the results from at least one intelligence test, II. the results of three annual standardized achievement tests, III. copies of all reports to parents, IV. a confidential report made three times a year by the

grade teacher and Headmaster, V. in the high school, the results of questionnaires on interests and aptitudes. These may be supplemented by other documents: tests, letters, reports from doctors, and other professional staff members.

## ADMISSION

The doors of the School are open to applicants of all racial, religious, and economic groups; children from foreign countries and other parts of the United States are equally welcome.

Parents wishing to enroll a child may telephone or write to arrange for an interview.

## REPORTS TO PARENTS

At regular intervals during the year the teachers write reports of each child's progress, and appointments are made with parents to discuss them with a teacher. Reports for the LOWER and UPPER SCHOOL are made three or four times a year.



The Drama Club presents many plays throughout the school year.





Formal and Informal Activities On and Off Campus.



A well-rounded Physical Education Program is Available to All Girls.





Annual Ski Week in Maine.



Reading Therapy on a 1 - 1 Basis.



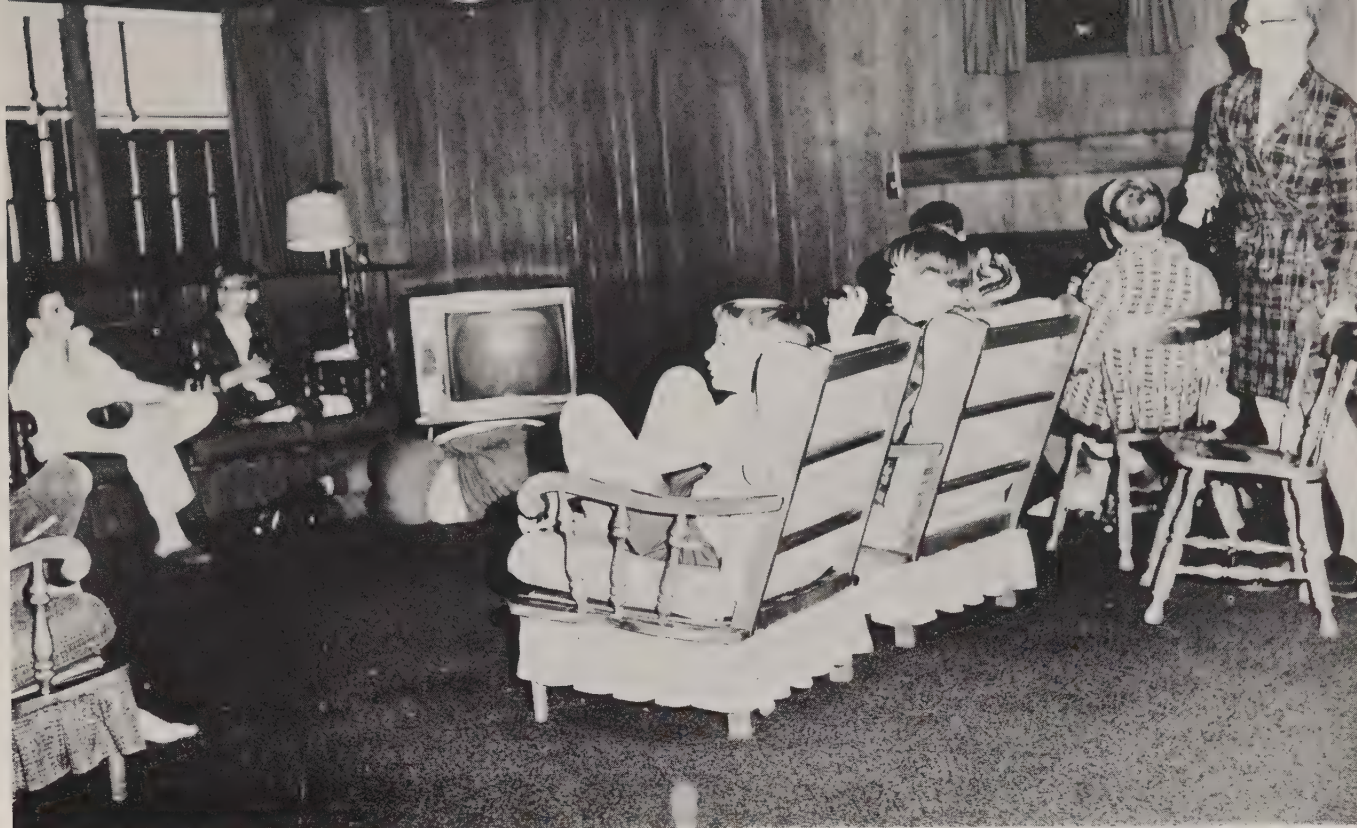


Faculty vs. Students!



An Informal Birthday Celebration.





Relaxing in the Intermediate Dorm.

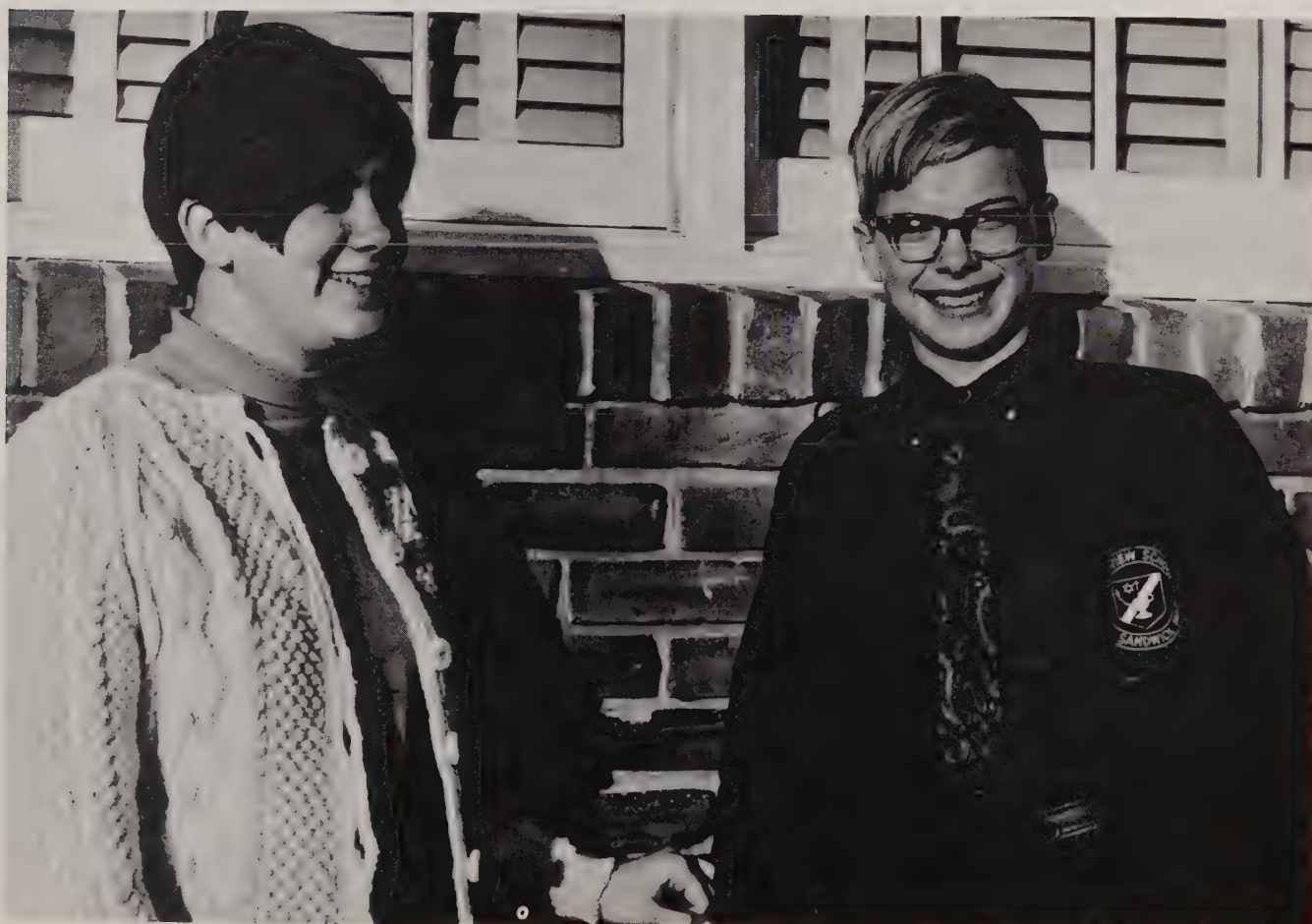


A Superior Art Program Open to All Students.





On the Play Field.



Care To Join Us?



## Our Graduates Have Entered The Following Colleges And Universities

Fairleigh Dickinson University  
Endicott Junior College  
Vernon Court Junior College  
Middlesex College  
Boston University  
King's College  
Chamberlayne Junior College  
Vesper George School of Art  
New England School of Practical Art  
Brigham Young University  
St. Mary's Hospital School of Nursing  
Swain School of Design  
Paier Whitney School of Art  
Missouri State College  
University of Utah  
Canaan College  
Grahm Junior College  
Nasson College  
Unity College

New York University  
Harcum Junior College  
Edward Williams Junior College  
Miss Farmer's School  
Connecticut Junior College  
Franklin Institute  
Hudson Valley Community College  
New England School of Mechanical Dentistry  
Cambridge Junior College  
National Academy of Fine Arts  
New York Community College  
Springfield College  
Averett College  
Paul Smith College  
Pierce College  
Ricker College  
Becker Junior College  
Butera School of Art  
Trinity College

## ENROLLMENT

Boys and girls from twenty-eight states and several foreign countries are enrolled. Our boarding school enrollment numbers one hundred fifty students.

## STAFF

Thirty-two full time instructors representing the leading American universities and colleges instruct your child. Fifty-eight additional employees staff our living units, offices and custodial department.



A Housemother Provides a Happy Home Atmosphere.





## TUITION GRANTS FOR PUPILS NEEDING SPECIAL SERVICES

The Superintendent is recommending the following amendments to the Policy Statement of Tuition Grants for Pupils Needing Special Services.

"Funds may be made available for tuition grants to pay for instruction and transportation costs in private institutions for handicapped children between the ages of two (2) and twenty-one (21) years. Such payment would be limited to those children whose special needs cannot be met in regular or special public school programs and who have been recommended for private school placement by the Department of Pupil Personnel Services and/or the D. C. Health Department with concurrence and final approval of the Department of Special Education.

"The Department of Special Education is authorized to approve those educational facilities located in or outside of the District of Columbia which can serve children whose special needs cannot be met in the public schools.

"A tuition grant shall terminate at the end of the school year. It can be renewed by the Department of Special Education if an adequate school program for the child with special needs will not be available in the public schools at the beginning of the next school year.

"Tuition grants shall not be made to any institution which practices discrimination of staff or pupils on the basis of race, color, creed, or religion."

The Superintendent is recommending that the Board approve the amendments to the Policy Statement: Tuition Grants for Pupils Needing Special Services and seek legislation to enable the school system to carry out this Policy.

Board Meeting  
July 2, 1969

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